

Defending Press Freedom in Times of Tension and Conflict



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

2022

safety of
journalists
platform



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Cartooning for Peace

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

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

 EFJ European Federation of Journalists	EUROPEAN FEDERATION OF JOURNALISTS http://europeanjournalists.org
	INTERNATIONAL FEDERATION OF JOURNALISTS http://www.ifj.org
	ASSOCIATION OF EUROPEAN JOURNALISTS http://www.aej.org
	ARTICLE 19 http://www.article19.org
	REPORTERS WITHOUT BORDERS https://rsf.org
	THE COMMITTEE TO PROTECT JOURNALISTS https://cpj.org
	INDEX ON CENSORSHIP https://www.indexoncensorship.org
	INTERNATIONAL PRESS INSTITUTE http://ipi.media/
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	JUSTICE FOR JOURNALISTS FOUNDATION https://jff.fund

Update: Invasion of Ukraine by the Russian Federation and its impact on media freedom

■ This report has been finalised in the shadow of the Russian Federation's invasion of Ukraine on 24 February 2022. This act of aggression and the subsequent blanket state censorship of all truthful reporting about the war has had dramatic consequences on press freedom. The Russian authorities imposed draconian censorship rules with no regard for the fundamental safeguards for free speech and the public's right to be informed that are required in democratic states. On 4 March, the Duma (the lower house of the Federal Assembly) rushed through a new law which makes it a criminal offence for Russian journalists to report the invasion and widespread destruction and loss of civilian lives except using the approved language of Russian state propaganda. A new Orwellian "newspeak" has been enforced, which bars any reference to "war", "invasion", and "aggression". It requires media reports to use only the sanitised terms "special military operation" to describe Russia's massive deployments of heavy weapons and over 150,000 troops in Ukraine. Journalists straying from these directives or accused of intentionally publishing what is deemed to be "fake" information, or calling for sanctions against Russia, are liable to prison sentences of up to 15 years.¹ The law applies equally to those taking part in street protests and posting on social media.

■ After years of increasingly severe restrictions under arbitrary laws, the last remaining independent media in Russia have been effectively silenced. The radio station Echo of Moscow (Ekho Moskvyy), and Dozhd/TV Rain were forced off the air. Novaya Gazeta, the newspaper of the late Anna Politkovskaya (she was murdered in 2006; five other members of the paper have been murdered since 2000) and of 2021 Nobel Peace Prize co-laureate Dmitry Muratov, has been forced to severely constrain its coverage of the war. Journalists - over

¹ Reuters, "Russia fights back in information war with jail warning", 4 March 2022, at: <https://www.reuters.com/world/europe/russia-introduce-jail-terms-spreading-fake-information-about-army-2022-03-04/>.

150 by March 2022 - chose to leave the country to escape from repression and continue their work under freer skies.²

■ Many foreign news organisations have halted or curtailed their operations to protect their staff.³ Some media, including the New York Times, have pulled their journalists out of the country because of the insecurity and risks created by the new law.⁴

■ Russian media regulator Roskomnadzor has demanded that media outlets publish only official government reports about the invasion and the course of the war and threatened to block them and their websites if they did not comply. International social media platforms, like Facebook or Twitter have been totally or partially blocked by the authorities.⁵ “Several network connectivity providers—the giant telecom firms that supply the backbone connections between countries and the broader internet—have also withdrawn their services from Russia”, writes the Columbia Journalism Review. “Removing them means Russia is increasingly isolated from any information about the war that doesn’t come from inside the country or from Russian state media.”⁶

■ In a revival of state censorship practices in the Cold War years, access to websites of foreign broadcasters (BBC, Voice of America, RFE/RL or Deutsche Welle) has been blocked on the grounds of “their deliberate and systematic circulation of materials containing false information.”⁷ In reaction the BBC re-started its shortwave radio services in Ukraine and Russia “to ensure civilians in both countries can access news during the invasion”.⁸

■ Through these transformative actions the Russian media landscape has been artificially confined to state-owned or state-friendly media which present a form of “alternative truth” of the war. It consists of a completely sanitised version that excludes any mention of attacks against civilians and civilian infrastructure and frames the conflict as a peacekeeping operation aimed at

2 The Moscow Times, “Over 150 Journalists Flee Russia Amid Wartime Crackdown on Free Press – Reports”, 7 March 2022, at: <https://bit.ly/3ib14zy>.

3 New York Times, “Several Western news organizations suspend operations in Russia”, 4 March 2022, at: <https://www.nytimes.com/2022/03/04/business/western-media-operations-russia.html>.

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

5 Columbia Journalism Review, “Russia’s diminishing information access”, 10 March 2022, at: https://www.cjr.org/the_media_today/russias-diminishing-information-access.php.

6 Ibid.

7 Reuters, “Russia blocks access to BBC and Voice of America websites”, 4 March 2022, at: <https://www.reuters.com/business/media-telecom/russia-restricts-access-bbc-russian-service-radio-liberty-ria-2022-03-04/>.

8 The Guardian, “BBC website blocked in Russia as shortwave radio brought back to cover Ukraine war”, 4 March 2022, at: <https://www.theguardian.com/media/2022/mar/04/bbc-website-blocked-in-russia-as-shortwave-radio-brought-back-to-cover-ukraine-war>.

protecting the Russian-speaking people from so-called “Nazis in Kyiv”⁹ Russian media have been converted into raw instruments of brainwashing and state propaganda for geopolitics. The population has had to resort to circumvention tools like Virtual Private Networks (VPN) and encrypted messaging apps like Telegram to find out what is really going on and communicate safely and freely with others.

■ In Ukraine, since the Russian invasion in late February 2022, war correspondents, like other civilians, have been constrained by curfews, checkpoints, and military restrictions. Reports on the presence of Russian saboteurs have increased the risks of being suspected of espionage for reporters roaming in areas controlled by Ukrainian soldiers or ad hoc defence groups.¹⁰ The blurred frontlines, the presence of special forces and irregular fighters and indiscriminate shelling inevitably expose Ukrainian and international reporters to high risks of injury or death. Journalists have reportedly been directly shot at by unidentified attackers, identified in some accounts as Russian military forces,¹¹ and the US journalist Brent Renaud was killed in Irpin near Kyiv on 13 March. In early March, protective equipment (flak jackets, helmets) was in short supply and journalists’ support organisations ran emergency safety training courses online, aimed in particular at freelancers flocking to Ukraine to cover the war and at local journalists.¹² US allegations, communicated on 21 February to the UN High Commissioner for Human Rights, that Russian invading forces had “lists of Ukrainians to be killed or sent to camps following a military occupation” raised concerns about retaliation against journalists deemed hostile to the Russian Federation.¹³

■ On 1 March 2022, Russian missiles struck the radio and TV tower in Kyiv, killing a Ukrainian cameraman, Yevhenii Sakun¹⁴ and knocking out 32 TV channels and several dozen national radio stations, an action which may

9 NPR, “Putin’s claim of fighting against Ukraine ‘neo-Nazis’ distorts history, scholars say”, 1 March 2022, at: <https://www.npr.org/2022/03/01/1083677765/putin-denazify-ukraine-russia-history>.

10 Reporters Without Borders, “Ukraine: the two injured Danish journalists have been evacuated”, 1 March 2022, at: <https://rsf.org/en/news/ukraine-two-injured-danish-journalists-have-been-evacuated>.

11 Sky News, “Sky News team’s harrowing account of their violent ambush in Ukraine this week”, 5 March 2022, at: <https://news.sky.com/story/sky-news-teams-harrowing-account-of-their-violent-ambush-in-ukraine-this-week-12557585>.

12 Press Gazette, “Charity reports shortage of protective equipment for freelance journalists in Ukraine”, 3 March 2022, at: <https://pressgazette.co.uk/charity-reports-shortage-of-protective-equipment-for-freelance-journalists-in-ukraine/>.

13 Nieman Reports, “Ukrainian Journalists Risk Everything to Stand Up to Putin”, 2 March 2022, at: <https://niemanreports.org/articles/ukraine-journalists-putin/>.

14 Committee to Protect Journalists, “Reporters shot, shelled, robbed while covering Russian invasion of Ukraine”, 9 March 2022, at: <https://bit.ly/3MUTEPh>.

constitute a war crime. Transmission towers have also been targeted by Russian missile strikes in several other cities.¹⁵

■ Journalists have had to navigate in a news environment strewn with misinformation from all sides. The information war, which has already been raging for years, has fiercely intensified, with the dissemination of fake news and doctored videos, the creation of social posts masquerading as fact-checking websites,¹⁶ unconfirmed stories of feats of arms, the posting of brutal images of the war and the public exposure of prisoners of war,¹⁷ a potential violation of the Geneva Conventions.¹⁸

■ The partner organisations of the Platform have condemned¹⁹ the unprovoked invasion as well as the intensified assault on press freedom, free speech and civil rights inside Russia. They have also expressed their support to what is left of the embattled independent press in Russia and called upon democratic states to grant refuge to journalists forced to go into exile.²⁰ Initiatives have been launched by international and Ukrainian press freedom groups to help Ukrainian media and journalists, in particular by providing them with protective equipment and assistance when necessary to escape from places of extreme risk to places of relative safety in western Ukraine or elsewhere.

■ On 2 March 2022, the European Union announced that it would urgently suspend the broadcasts of Russian state-controlled media outlets RT and Sputnik in the EU or directed at the EU, as well as their availability on search engines and their social-media posts,²¹ so “they would no longer be able to spread their lies to justify Putin’s war”. The ban would last “until the aggression against Ukraine is put to an end, and until the Russian Federation and its associated outlets cease to conduct disinformation and information manipulation actions

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

16 Propublica, “In the Ukraine Conflict, Fake Fact-Checks Are Being Used to Spread Disinformation”, 8 March 2022, at: <https://www.propublica.org/article/in-the-ukraine-conflict-fake-fact-checks-are-being-used-to-spread-disinformation>.

17 Politico, “As war in Ukraine evolves, so do disinformation tactics”, 10 March 2022, at: <https://www.politico.eu/article/ukraine-russia-disinformation-propaganda/>.

18 Amnesty International, “Russia/Ukraine: Prisoners of war must be protected from public curiosity under Geneva Convention”, 7 March 2022, at: <https://bit.ly/36l2JA7>.

19 Joint Statement of the partner organisations of the Platform, 2 March 2022, at: <https://fom.coe.int/news/detail/107233680/Ukraine:-CoE-platform-partners-demand-protection-of-journalist-safety;globalSearch=false>.

20 International Federation of Journalists, “We stand in solidarity — joint statement in support of Ukraine”, 28 February 2022, at: <https://bit.ly/3tdRbHS>.

21 Wall Street Journal, “EU Orders Removal of Russian State-Owned Media from Search Results, Social-Media Reshares”, 10 March 2022, at: <https://on.wsj.com/3l1z4Y>.

against the EU and its member states.”²² Facebook, Google, YouTube and TikTok have also denied users’ access to RT and Sputnik in the EU.²³ Russian state media channels also became unavailable in the UK, where RT had been under investigation by the regulator Ofcom for violations of the broadcasting code.²⁴

■ “Propaganda for war” is prohibited under international law.²⁵ However, journalists’ organisations voiced their unease at the EU decision, arguing that state-sponsored disinformation should be opposed not through censorship, but through independent journalism and open debate to counter false narratives and propaganda.²⁶

■ On 25 February 2022, the Committee of Ministers of the Council of Europe suspended the Russian Federation’s rights of representation in the Committee of Ministers and in the Parliamentary Assembly with immediate effect because of its armed attack on Ukraine.²⁷ “(It) goes against everything we stand for and is a violation of our statute and of the European Convention on Human Rights,” the Council of Europe’s Secretary General, Marija Pejčinović Burić, said in an interview with the New York Times on 3 March 2022.²⁸

22 New York Times, “Council of Europe suspends Russia for its attack on Ukraine”, 3 March 2022, at: <https://www.nytimes.com/2022/03/03/world/europe/council-of-europe-russia-suspension.html>.

23 Reuters, “EU bans RT, Sputnik over Ukraine disinformation”, 2 March 2022, at: <https://www.reuters.com/world/europe/eu-bans-rt-sputnik-banned-over-ukraine-disinformation-2022-03-02/>.

24 Press Gazette, “Kremlin-owned RT taken off air in UK following EU sanctions”, 3 March 2022, at: <https://pressgazette.co.uk/rt-off-air-uk/>.

25 Baade, Björnstjern, “The EU’s “Ban” of RT and Sputnik: A Lawful Measure Against Propaganda for War”, VerfBlog, 8 March 2022, at: <https://verfassungsblog.de/the-eus-ban-of-rt-and-sputnik/>.

26 European federation of Journalists, “Fighting disinformation with censorship is a mistake”, 1 March 2022, at: <https://europeanjournalists.org/blog/2022/03/01/fighting-disinformation-with-censorship-is-a-mistake/>.

27 Council of Europe, “Council of Europe suspends Russia’s rights of representation”, 25 February 2022, at: <https://www.coe.int/en/web/portal/-/council-of-europe-suspends-russia-s-rights-of-representation>.

28 New York Times, “The Council of Europe suspends Russia for its attack on Ukraine”, 3 March 2022, at: <https://www.nytimes.com/2022/03/03/world/europe/council-of-europe-russia-suspension.html>.

Introduction



Adene (France) / Cartooning for Peace

■ “It is alarming and unacceptable that journalists and other media actors in Europe are increasingly being threatened, harassed, subjected to surveillance, intimidated, arbitrarily deprived of their liberty, physically attacked, tortured and even killed because of their investigative work, opinions or reporting”. Such were the opening words of the far-reaching Recommendation of the Committee of Ministers of the Council of Europe (CoE) on the protection of journalism and safety of journalists and other media actors in 2016.²⁹

■ The subsequent years have unfortunately confirmed this sombre assessment.³⁰ Since the launch in April 2015 of the Platform to Promote the Protection of Journalism and the Safety of Journalists, alerts have piled up, leading the Council of Europe’s Secretary General to urge European governments to “show stronger political will to protect press freedom”.³¹

²⁹ Committee of Ministers, Recommendation CM/Rec(2016)4 to member states on the protection of journalism and safety of journalists and other media actors, Strasbourg, 2016, at: <https://bit.ly/3lft8b1>.

³⁰ The 15 partner organisations participating in the work of the Platform have jointly written this annual report. Each partner organisation reserves the right to make its own assessment of any issue or case.

³¹ Council of Europe, “Secretary General: European governments should show stronger political will to protect press freedom”, 28 April 2021, at: <https://go.coe.int/1rfVt>.

■ European countries still pack the first ranks in press freedom indexes. Regional institutions - the Council of Europe, the European Union (EU), and the Organisation for Security and Co-operation in Europe (OSCE) - have regularly reaffirmed their commitment to press freedom and adopted -or announced- initiatives aimed at bolstering journalists' safety. In June 2021 the Committee of Ministers of the Council of Europe approved a plan to tighten the legal framework in favour of media freedom, focusing on three major threats: abusive and vexatious lawsuits, the disruptive impact of disinformation and the potentially harmful effect of digital convergence and artificial intelligence. A Committee of Experts on the Integrity of Online Information has been set up with the purpose of "countering the spread of online mis- and disinformation in a human rights compliant manner".³²

■ CoE member states have also joined international initiatives like the International partnership on information and democracy,³³ the Global Pledge on Media Freedom,³⁴ and the Hague Commitment to Increase Safety of Journalists.³⁵ Likewise the European Union has ratcheted up its efforts, through its European Democracy Action Plan,³⁶ its Rule of Law Mechanism,³⁷ and its Recommendation on ensuring the protection, safety and empowerment of journalists and other media professionals in the European Union.³⁸ An EU anti-SLAPP directive and a Media Freedom Act, including the use of internal market regulation to reduce political interference in the media, are expected to be adopted in 2022.

■ However, on the European wall maps of media freedom, red lights are flashing. In 2021, 282 alerts from 35 countries have been submitted to the Platform, up from 200 in 2020, an increase of 41%. Six journalists have died in 2021 in the exercise of their profession, among whom four have been deliberately targeted.

■ Some of these alerts may reflect recurrent failings in so-called "imperfect democracies". Others are in response to measures adopted to combat the Covid-19 pandemic and are supposedly transitory. But it is not just the numbers

³² Council of Europe, MSI-INF Committee of Experts on the Integrity of Online Information, at: <https://www.coe.int/en/web/freedom-expression/msi-inf>.

³³ Forum on Information and Democracy, at: <https://informationdemocracy.org/>.

³⁴ Government of United Kingdom, "Global pledge on media freedom", 11 July 2019, at: <https://www.gov.uk/government/publications/global-pledge-on-media-freedom>.

³⁵ Government of Netherlands, "The Hague Commitment to increase the Safety of Journalists", at: <https://bit.ly/3KK18Cx>.

³⁶ European Commission, "European Democracy Action Plan: making EU democracies stronger", 3 December 2020, at: https://ec.europa.eu/commission/presscorner/detail/en/ip_20_2250.

³⁷ European Commission, Rule of law mechanism webpage, at: <https://bit.ly/3q8wOJX>.

³⁸ European Commission, "Media - Commission recommendation on ensuring safety of journalists in the European Union", 16 September 2021, at: <https://bit.ly/3MW7wZl>.

themselves. The type and severity of press violations should be a wake-up call for all who care about the state of democracy in Europe.

■ Press freedom is the canary in the coal mine, a key indicator of the “clear and worrying degree of democratic backsliding” that the CoE Secretary General highlighted in her 2021 report on the state of democracy, human rights and the rule of law across the continent.³⁹ State actors account for 47% of these alerts. In a growing number of countries, these cases are not occasional blips. They result from a concerted and deliberate strategy to impose an “illiberal” model, in full breach of fundamental rule of law and human rights principles.

■ These authoritarian regimes draw from their electoral majority the “right” to subvert constitutional constraints on their power and to disenfranchise opposition or dissenting groups. There is nothing whimsical here. They have a doctrine and a roadmap for a frontal attack against the values and institutions which define advanced democracies: an active Parliament, an independent judiciary, effective regulatory agencies, a vibrant civil society, and, of course, a free press.

■ In fact, some states do not just harass the press to protect themselves from scrutiny and embarrassment: they fundamentally reject the role of journalism as a prerequisite to democracy, as an enabler of other human rights and a watchdog holding power to account. By doing so, they brazenly contradict the fundamental tenets of the Council of Europe and their own commitment to uphold them.

■ These authoritarian and avowedly “illiberal” governments don’t totally close the public space to free speech in the way that old-style totalitarian regimes did. They manage it to their benefit. Media capture and incitement against the “elitist media” or “lying press”⁴⁰ are tools to this end. Independent and critical journalists are smeared as “traitors” or enemies of the people. They are targeted through national security prosecutions, vindictive tax audits, discrimination in the allocation of state funding or advertising, and sweeping hate speech and fake news laws which often have far-reaching chilling effects on free speech and journalism.

■ In October 2021, the decision of the Nobel Peace Prize Committee to honour two journalists, Maria Ressa, the founder of online news site Rappler (Philippines), and Dmitry Muratov, the editor in chief of Novaya Gazeta (Russian Federation), confirmed the global sense of urgency about press freedom.

39 Council of Europe, “Democracy is in distress, finds the Council of Europe Secretary General’s annual report for 2021”, 11 May 2021, at: <https://go.coe.int/u1flq>.

40 Deutsche Welle, “Attacks on journalists in Germany on the rise”, 20 September 2018, at: <https://www.dw.com/en/attacks-on-journalists-in-germany-on-the-rise/a-45570939>.

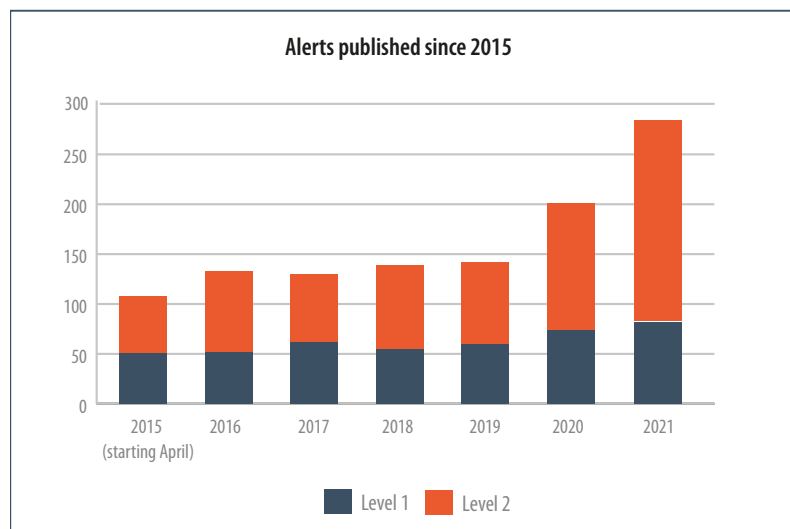
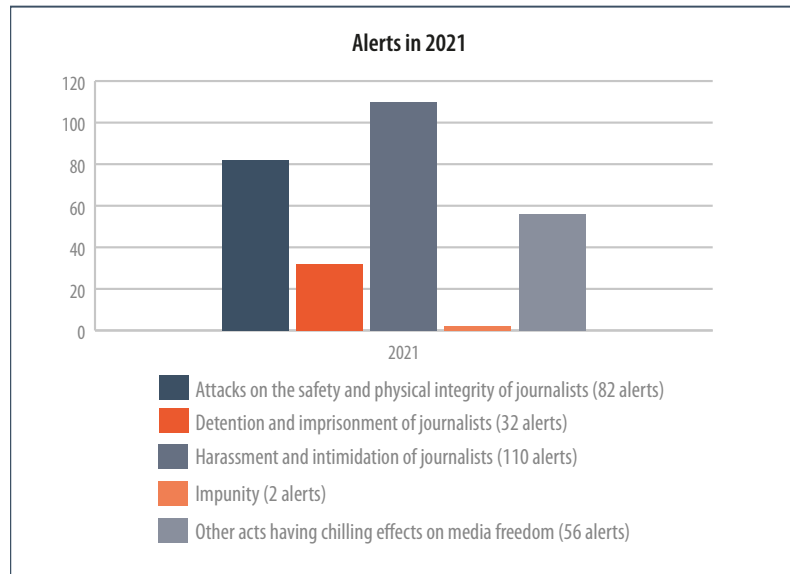
“Free, independent and fact-based journalism serves to protect against abuse of power, lies and war propaganda”, said the Committee.⁴¹ It had a particular resonance in Europe as it evoked the memory of the only other journalist to ever receive the prestigious Prize, in 1935. Carl von Ossietzky, the editor of a German liberal pacifist magazine, was imprisoned in 1933, immediately after the rise of Adolf Hitler to power. After years in concentration camps, he died in 1938. His arrest was an ominous sign of destruction of democracy in Germany and eventually of total war. It resonates as a warning for today’s troubled times. There are echoes of the Thirties in the insults directed against the “lying press” or in the mob violence targeting journalists during public protests.

■ Since it erupted in 2020, the Covid-19 pandemic has been misused by governments to impose measures restricting the media’s access and freedom to report, as if independent journalism were a liability in the fight against a health emergency which requires reliable, accurate and independent information. Indeed, as European societies are confronted with particularly complex challenges and sucked into worrying trends of polarisation and radicalisation, independent journalism and freedom of the press are more crucial than ever. “Journalists (...), even more so in times of crisis like the current one, provide us with one of the most powerful tools we have at our disposal to take decisions relevant to our lives: reliable information”, said Dunja Mijatović, the Council of Europe’s Commissioner for Human Rights.⁴²

■ The Council of Europe’s core aim is “to protect human rights, pluralist democracy and the rule of law”. This report, as the number and persistent pattern of media freedom alerts as well as the gravity of the attacks demonstrate, confirms that too many of its member states have been willing to stand against this fundamental mission. “It is time to recall that states have an obligation to ensure that journalists can carry out their work free from violence and intimidation and fulfil their role as public watchdog, which includes holding public authorities accountable for their decisions and actions”, said the Council of Europe’s Secretary General on the eve of 3 May 2021 World Press Freedom Day. They have more than ever a duty to assure the three “Ps” - Prevention, Protection, Prosecution - for ensuring journalists can work without duress.

41 Nobel Peace Prize 2021, at: <https://www.nobelprize.org/prizes/peace/2021/press-release/>.

42 Council of Europe, “Support a free, independent and safe press”, 30 April 2020, at: <https://go.coe.int/CgUr2>.



Overview of alerts and sources of major concern in 2021



Falco (Cuba) / Cartooning for Peace

Attacks on physical safety and integrity

■ In 2021 six journalists were killed. Three of them - in Greece, the Netherlands and Turkey - were directly targeted. Another journalist died in Georgia following the violence while covering street protests.

■ Two journalists died in a landmine explosion during the Nagorno-Karabakh conflict, a wake-up call for journalists as in late 2021 the reality of war again loomed over the continent (and was confirmed by Russia's invasion of Ukraine) and evokes dark memories of the wars in ex-Yugoslavia,

where “from 1991 to 2001, more than 150 reporters, photographers, television camera operators, producers, fixers and other media workers were killed”⁴³

■ Journalists are increasingly vulnerable to direct attacks on their physical safety and integrity. In 2021, there were 82 alerts in that category, a 51% jump compared to 2020. Many of those took place during public protests. Across much of Europe reporting from the site of rallies has become a dangerous assignment for journalists. Covid-19-related protests provided a particular backdrop to these aggressions.

■ Although there was a decrease in the number of alerts concerning violence by police officers, the behaviour of law enforcement agents during these protests continued to be of serious concern.

■ Violence against journalists during street protests is fed by a wave of media bashing and an avalanche of hate speech on social networks – very often prompted by political figures – which directly target journalists, questioning their independence and legitimacy and therefore making them more vulnerable to physical aggression.

Impunity

■ On 6 October 2021, journalists around the world marked the fifteenth anniversary of the murder of their much-revered Russian colleague Anna Politkovskaya. Fifteen years after her death the masterminds of the crime are still at large, a blatant reminder that impunity for attacks on journalists remains the rule, feeding the cycle of violence and sending the pernicious message that hurting or killing journalists is a low-risk crime.

■ The Platform partners welcomed the conclusions of the Public Inquiry into the murder of investigative journalist Daphne Caruana Galizia in Malta and hailed the indictment of the alleged mastermind, but these milestones were the result of a painful and painstaking battle and do not guarantee justice. By the end of 2021, 26 cases remain active on the Platform. The Russian Federation, Turkey, and Ukraine account for 60% of these impunity alerts.

⁴³ Balkan Insight, “Last Despatches: Why the Balkan Wars Were So Deadly for Journalists”, 20 December 2021, at: <https://balkaninsight.com/2021/12/20/last-despatches-why-the-balkan-wars-were-so-deadly-for-journalists/>.



Boligán (Mexico) / Cartooning for Peace

Detentions and criminal prosecution of journalists

■ At the end of December 2021, 56 journalists and media actors were in prison in CoE member states: in Azerbaijan, the Russian Federation, Crimea (territory of Ukraine illegally annexed by the Russian Federation), Turkey and the United Kingdom.

■ The Platform has also recorded 35 cases of “stop and custody”, where journalists have been stopped and held in detention for police interrogation, a

clear obstruction of their freedom to report, especially on public demonstrations and opposition gatherings.

■ Judicial intimidation remains a worrying phenomenon. The Platform has recorded ten alerts on the filing of criminal complaints for press offences by private or public figures. Nineteen other alerts have been filed on the prosecution of alleged criminal offences initiated by law enforcement and/or judicial authorities, as well as nine alerts on the use of investigatory powers to disclose journalists' sources. Some of these cases indicate how easily persons in power may arbitrarily set state actors into motion against journalists they consider "troublesome".

■ The case of Julian Assange has been particularly scrutinised. The Wikileaks founder has been in detention since April 2019 in the UK. Press freedom groups consider the US extradition proceedings, based on the US 1917 Espionage Act, as a global threat to national security reporting and whistleblowing, especially relating to actions taken by the military in situations of conflict that might amount to war crimes. The US Justice Department does not qualify Assange as a journalist and therefore insists that "it never has been the Department's policy to target [journalists] for reporting."⁴⁴ Journalists and lawyers, however, fear that it could set a dangerous precedent in the US where national security journalism has been largely protected by the Supreme Court's 1971 landmark decision *The New York Times v. United States*, which made possible the publication of the then classified Pentagon Papers on the Vietnam War. However, the extra-territorial application of the US Espionage Act could also threaten any journalist anywhere for publishing classified US information. As the International Bar Association's US correspondent Michael Goldhaber contends, it could "leave future publishers of intelligence leaks at the mercy of prosecutorial discretion".⁴⁵ A guilty verdict would also embolden governments around the world and give them a handy excuse to criminalise the release of national security or information about human rights abuses which have a clear public interest.

SLAPPs and defamation lawsuits

■ Legal action against journalists by three-piece suit lawyers may appear less crude than contract killings, online threats or street violence, but such cases bring serious risks for journalism. SLAPPs (Strategic Lawsuits Against Public Participation) continued to be used as a tool to silence critical media

⁴⁴ New York Times, "Assange indicted under espionage, raising First Amendment issues", 23 May 2019, at: <https://www.nytimes.com/2019/05/23/us/politics/assange-indictment.html>.

⁴⁵ International Bar Association, "Assange: a decisive moment for national security journalism", at: <https://www.ibanet.org/article/20F4F951-8AB0-434D-8D6C-7DA497D885A3>.

and journalists throughout Europe. Sixteen alerts document civil lawsuits to obtain damages or curb critical reports. The practice of taking advantage of foreign jurisdictions to file libel lawsuits, known as libel tourism, has not abated either. Betting on the power of money to kill stories and deter further reporting, these lawsuits are an effective tool of censorship in Europe. In an economically troubled media sector, the threat of high damages for defamation can have a crushing effect.

■ Although many of these lawsuits are without legal merit, they are a major threat to journalism as they involve costly legal defence, are emotionally exhausting, distract journalists from their normal work and are meant to taint the reputation of journalists in the eyes of the public. In June 2021, the CoE's Committee of Ministers undertook as part of its strategic plan to establish a legal framework that includes the protection against abusive or vexatious legal threats. Meanwhile, the European Commission is preparing an anti-SLAPP package which could include both legislative and non-legislative measures.

Restrictive legislation

■ In 2021, Council of Europe member states introduced or expanded legislation hampering journalists' work, under the pretext of fighting fake news or foreign interference. In Greece, loosely worded "anti-fake news" legislation was adopted which might be used to criminalise journalists who take issue with the government's policies. In the Russian Federation, the "mass media foreign agent" or the "individual foreign agent" labels aim at obstructing and discrediting critical voices by submitting them to burdensome administrative requirements and by associating them with "hostile foreign countries". By the end of 2021, the list included 111 "mass media foreign agents", among them widely trusted news organisations. The new regulations and legislation related to the coverage of the war in Ukraine have compounded these restrictions by literally obliterating independent journalism in Russia.⁴⁶

■ These laws may also target non-governmental organisations which serve as important sources of information for the press. In December 2021, the Russian court decisions⁴⁷ to shut down two prominent human rights

⁴⁶ Columbia Journalism Review, "The Putin regime obliterates press freedom", 7 March 2022, at: https://www.cjr.org/the_media_today/putin_russia_ukraine_independent_media.php.

⁴⁷ European Union External Action, "Russia: Joint Statement on Court Decisions to Liquidate Memorial", 31 December 2021, at: <https://bit.ly/3q8zJSV>.

groups - International Memorial and Human Rights Centre Memorial – will also effectively deprive the press of one of the major countervailing and dissenting voices in the country.

Harassment and intimidation of journalists

■ Harassment, through insults or smear campaigns, and intimidation, through threats to life, well-being, and liberty, have continued to plague the exercise of journalism. 110 such alerts were posted on the Platform in 2021. Journalists covering extremist movements and criminal groups are particularly exposed. Leaders of political parties or even heads of governments, who are supposed to guarantee the civility of the public space, have also indulged in insults and verbal attacks against journalists, taking the risk of provoking or condoning violence against them. In October 2021, a solemn acknowledgment of the gravity of that issue was made by the four international Special Rapporteurs on freedom of expression⁴⁸ who released a Joint Declaration on Politicians, Public Officials and Freedom of Expression,⁴⁹ expressing their growing concerns about intolerant and divisive public communication by politicians and public figures.

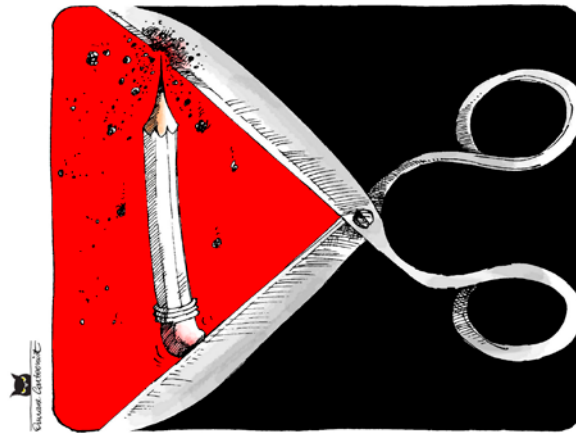
■ Verbal and physical violence in the real world has expanded to the virtual world, turning social networks into instruments of intimidation. Journalists are regularly the target of random individuals' anger. However, some of these online attacks are planned and directed by political movements or other groups who weaponise slander, threats, and disinformation. The aim is to scare journalists, exhaust them emotionally, and push them to self-censor or ultimately push them out of the profession. Women journalists have been particularly targeted on social networks.

■ In recent years social platforms have been submitted to stricter rules or have tightened their moderation of illegal or harmful content, but the flood of violent and insulting messages has not been dammed. Both internet platforms and state authorities are slow in securing accountability for online attacks. Press freedom groups have urged member states to investigate and prosecute online threats and abuse more vigorously. They have been advocating for

⁴⁸ The United Nations Special Rapporteur on Freedom of Opinion and Expression, the Organization for Security and Co-operation in Europe Representative on Freedom of the Media, the Organization of American States (OAS) Special Rapporteur on Freedom of Expression, and the African Commission on Human and Peoples' Rights (ACHPR) Special Rapporteur on Freedom of Expression and Access to Information.

⁴⁹ Organization for Security and Co-operation in Europe, "Joint Declaration on Politicians and Public Officials and Freedom of Expression", 20 October 2021, at: <https://www.osce.org/representative-on-freedom-of-media/501697>.

greater responsibility for Big Tech, especially concerning content removal policies, which must respect international freedom of expression norms and privacy whilst protecting independent journalism online. Journalists are acutely aware of the balancing act that this issue raises: online threats and insults may have a chilling effect on freedom of expression and the freedom to report, but measures to combat them may likewise hurt these freedoms if they are disproportionate, arbitrary, non-transparent and left to the whims of private companies without effective oversight or recourse for remedy. The over-removal of contents may deprive journalists of crucial and legitimate information and therefore undermine their capacity to report.



Omrane (Tunisia) / Cartooning for Peace

Public Service Media

■ Although the Council of Europe recognises public service media (PSM) as a pillar of democracy, based on the principles of impartiality, universality and accountability,⁵⁰ 2021 has seen more backsliding. According to the Media Pluralism Monitor 2021,⁵¹ the independence of PSM governance and funding is at risk in fifteen of the 32 countries covered, up from twelve countries in 2020. PSM news are perceived as the most trusted news brands in many European

⁵⁰ Nissen, Christian, "Public Service Media in the Information Society", Council of Europe, February 2006, at: <https://rm.coe.int/1680483b2f>.

⁵¹ A tool developed by the European University Institute's Centre for Media Pluralism and Media Freedom to assess the risk to media pluralism in any given country.

countries. However, their reporters appear to have been particularly targeted by protesters and in a growing number of member states, governments have tightened the pressure on editorial independence. They have deprived the PSM of sustainable funding, taken control of their governing boards and turned public broadcasting into a party propaganda machine, often in line with a full-blown strategy which includes the capture of private media and the hijacking of regulatory institutions.

Media capture

■ Media capture, the indirect control of private media by a government via its cosy relations with - or pressure on- media owners and vested interests, has not abated. Governments have deployed the full range of instruments, and in particular arbitrary powers to allocate subsidies, advertising, public contracts, to reach that goal. The result is the consolidation of a powerful government-friendly media system which frames the national discourse and excludes opposition or dissident voices.

■ Rulers in Turkey, Azerbaijan and the Russian Federation have applied these tactics for years, designing a “model” which has been emulated in other member states, in particular Hungary and Poland. These two countries are currently under the scrutiny of the European Union due in part to the actions that they have taken to dominate the media. Slovenia is also going down that road.



Marco De Angelis (Italy) / Cartooning for Peace

Restrictions on reporting

■ Countries have tried to control the reporting of politically sensitive news stories, particularly migration, which they characterise as national security issues. In 2021, Poland, Latvia and Lithuania declared local states of emergency alongside their borders with Belarus which included news-reporting restrictions. Journalists were excluded from specific areas, threatened with criminal prosecutions and subject to arrests by the police. In Calais, France, journalists were banned from so-called security perimeters, areas where the police were proceeding to expulsions of undocumented migrants. In Greece, Dutch and German journalists were stopped and questioned by the police while trying to cover migration stories.



Zohoré (Ivory Coast) / Cartooning for Peace

Organised crime

■ In 2021, journalists were reminded that their Italian colleague, Roberto Saviano, due to his investigations of the Naples-based Camorra, has been under 24/7 police protection for fifteen years. Organised crime has always been a threat to journalists covering its illegal businesses and unsavoury political connections. Between January 2006 and February 2021, the Italian monitoring organisation Ossigeno per l'informazione has documented as many as 4,904 certified threats and cases of intimidation against Italian journalists.⁵²

■ Colleagues in other European countries are also under threat. Two of the six deaths recorded on the Platform in 2021, those of Giórgos Karaíváz in Greece and Peter R. de Vries (a journalist who also worked as an advisor to a key witness in an organised crime-related trial) in the Netherlands, have

⁵² Ossigeno per l'informazione, at: <https://www.ossigeno.info/?lang=en>.

all the marks of gangland killings, similar to the murders of Daphne Caruana Galizia in Malta in 2017 and of Ján Kuciak and his fiancée, Martina Kušnírová, in Slovakia in 2018.

■ The risks are growing as these criminal organisations are expanding their global reach, and new transnational investigative journalism initiatives, like the OCCRP (The Organised Crime and Corruption Reporting Project) are boldly exposing their web of crime and corruption. In 2018, the Global Initiative against transnational organised crime had already expressed its concern at “the growing incidence of attacks on journalists covering issues related to organised crime and corruption in the Western Balkans and in Europe more broadly”.⁵³ This risk was confirmed by a November 2021 Europol report that highlighted “escalating violence perpetrated against investigative journalists in the EU”.⁵⁴

■ “The crime syndicates”, says Italian anti-mafia magistrate Federico Cafiero De Raho, “want silence and therefore they intimidate, attack and kill journalists who attract the attention of the law-enforcement agencies by speaking about them.”⁵⁵ Their aim is to impose censorship in the newsrooms to hide their wide range of economic activities and the support they enjoy in financial or political circles. Their methods include violence and threats of violence, but also abusive lawsuits for libel and crushing claims for damages.

■ These threats call for the institution of protection mechanisms which effectively guarantee journalists’ safety. They also highlight the state’s duty to effectively fight impunity and create an enabling environment in which independent journalism and press freedom can prevail. This challenge covers more than police protection and judicial prosecutions. It also implies more resolute efforts against corruption, money laundering, and lax tax regulations, which act as the oxygen of crime.

Surveillance

■ In July 2021, the Pegasus Project, a consortium of reporters coordinated by Paris-based non-profit journalism group Forbidden Stories, together with Amnesty International’s Security Lab, revealed how Pegasus, a surveillance technology developed by the Israeli company NSO, had been abused for years.

53 Global Initiative, “Freedom of press threatened by organised crime in Western Balkans”, 4 September 2018, at: https://globalinitiative.net/analysis/freedom_press_balkans/.

54 Europol spotlight, “The Use of Violence by Organised Crime Groups”, November 2021 at: <https://www.europol.europa.eu/publications-events/publications/europol-spotlight-use-of-violence-organised-crime-groups>.

55 Resource centre on media freedom in Europe, “Report on the December 2018 joint fact-finding mission”, April 2019, at: <https://www.rcmediafreedom.eu/Publications/Reports/Italy-so-much-mafia-so-little-news-Report-on-the-December-2018-joint-fact-finding-mission>.

Hailed as a tool to combat terrorism and serious crime it has served to spy on journalists, by intruding into - and taking control of - their phones. Three member states of the Council of Europe are mentioned in the report as having used the spyware against the press: Azerbaijan, Hungary and Poland. Journalists in the member states were also spied on by non-European security services.

■ Surveillance has always been a risk for journalists. And more traditional forms of telecommunications interceptions are still active. The Pegasus Project investigation, however, highlighted new technology-driven vulnerabilities. “Use of surveillance software has been linked to arrest, intimidation and even killings of journalists and human rights defenders”,⁵⁶ said Michelle Bachelet, UN High Commissioner for Human Rights.

■ Surveillance has a particularly baleful “chilling effect” on journalism. It hampers journalists’ freedom to report and affects their capacity to protect the confidentiality of their sources, “one of the basic conditions for press freedom”, as stated by the 1996 European Court of Human Rights judgment in the *Goodwin v. United Kingdom* case. Journalists covering national security issues, human rights and corruption are particularly at risk.

■ Media organisations and journalists should also take all necessary measures to develop effective security cultures and ensure the protection of their devices and communications.

Belarus

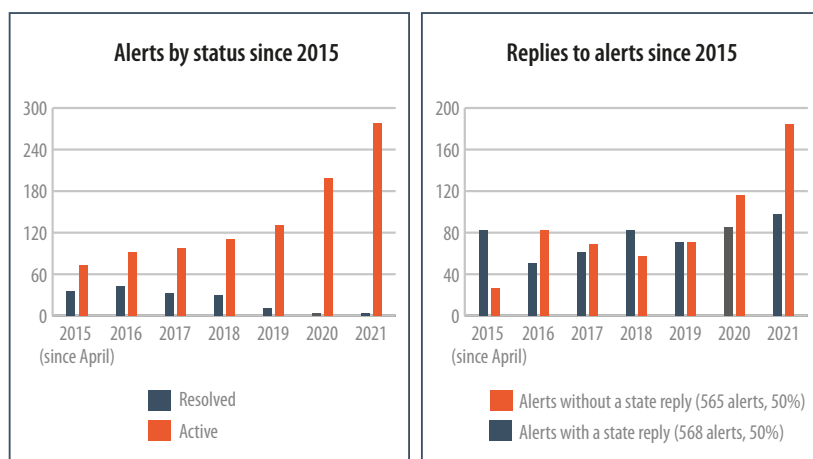
■ Belarus is not a member of the Council of Europe nor part of the Platform’s alert system. However, the gravity of attacks against the press in a country at the heart of Europe has mobilised press freedom groups and journalists’ associations.

■ The state’s repressive tactics used the full toolbox of authoritarianism: the mass jailing of journalists, violence, criminal prosecutions especially under the charges of extremism, raids and searches in journalists’ homes or offices, the dissolution of the Belarus Association of Journalists. The forced landing in Minsk of a Ryanair flight from Athens to Vilnius, and the arrest of the former chief editor of the Nexta Telegram channel Raman Pratasevich, was the most blatant evidence of Lukashenko regime’s villainy and an act of piracy and of state terrorism.

⁵⁶ Office of the UN High Commissioner for Human Rights, “Central African Republic: UN report calls for urgent end to mounting human rights abuses and violations”, 4 August 2021, at: <https://www.ohchr.org/en/2021/08/central-african-republic-un-report-calls-urgent-end-mounting-human-rights-abuses-and>.

Member states' responses

■ Despite the growing threats against press freedom, responses from governments to the alerts submitted on the Platform have been disappointing. In 2021, with 98 state replies, the rate was a dismal 35%, down from 42% in 2020. Since the launch of the Platform, 1,133 alerts have been posted, but only 566 have received a state reply and 194, i.e. 17%, have been satisfactorily resolved. "The numbers are not encouraging", noted Ana Gascon Marcen in the *Utrecht Law Review* (October 2021). "But without the Platform, it is doubtful that some of those actions would have taken place",⁵⁷ she added. By the end of 2021, only four of the 282 alerts submitted in 2021 had been resolved.



■ These figures are not an aberration: they reflect a broader indifference towards freedom of expression on the part of some member states. As the Council of Europe's Secretary General deplored in her 2021 Report on the state of democracy, human rights and the rule of law, 300 rulings by the European Court of Human Rights against states for violations of Article 10 of the European Convention, including wrongful imprisonment of journalists, have not been implemented.⁵⁸ Holding the states accountable and bringing them to respect

⁵⁷ See, Council of Europe, "The Platform for the Protection of Journalists: A Mechanism for Cooperation between Non-Governmental Organisations and the Council of Europe", at: <https://www.utrechtlawreview.org/articles/10.36633/ulr.667/>.

⁵⁸ See, Council of Europe, Report by the Secretary General, "State of democracy, human rights and the rule of law", May 2021, at: <https://www.coe.int/en/web/secretary-general/report-2021>.

their obligations under the European Convention on Human Rights remains a crucial challenge for press freedom organisations.

■ On a more positive note, member states have taken initiatives to better protect journalists. In March 2021 the UK government published its first ever National Action Plan for the Safety of Journalists which was hailed as an important step towards ensuring journalists can do their work free from harassment and attack. And within the Council of Europe, a Group of Friends on the Safety of Journalists has been formed by 11 member states, along the lines of similar groups within the UN in New York and Geneva, UNESCO, and the OSCE. In May 2021 these Groups of Friends released a joint statement emphasising “the essential role played by journalists and media workers to ensure access to reliable and verifiable information as a public good and called for an end to impunity for crimes committed against them.”⁵⁹

Press freedom and journalism initiatives

■ Journalists have not remained passive towards these growing threats. Local, national, and international press freedom and journalists’ groups have systematically monitored them, often in the face of harassment, and appealed to national governments and European institutions to act on their findings. They have also been going on the offensive, with their own tools, by investigating and exposing those who harass them. In October 2021, the Pegasus Project won the first Daphne Caruana Galizia Prize for Journalism, instituted by the European Parliament in homage to the slain Maltese investigative journalist. This model of transnational collaborative journalism was tested in Malta in 2018 with the Daphne Project,⁶⁰ with the aim of continuing the work of journalists silenced through murder or imprisonment.

■ In The Hague, the opening hearing on 2 November 2021 - on the International Day to End Impunity for Crimes Against Journalists - of the People’s Tribunal on the Murder of Journalists⁶¹ confirms journalists’ determination to fight back, to show to the world that “You don’t kill a story by killing a journalist.” And they are getting help. The Global Media Defence Fund, administered by UNESCO and funded by several CoE member states, has been set up “to support investigative journalism that contributes to

59 UNESCO webpage, at: <https://en.unesco.org/news/groups-friends-safety-journalists-issue-joint-statement-press-freedom>.

60 Forbidden Stories webpage, at: <https://forbiddenstories.org/case/the-daphne-project/>.

61 People’s Tribunal on the Murder of Journalists webpage, at: <https://ptmurderofjournalists.org/what-is-a-peoples-tribunal/>.

reduced impunity for crimes against journalists, and enhancing the safety of those conducting this line of work".⁶²

Global censorship

■ This report focuses on the state of press freedom in the member states of the Council of Europe, plus Belarus and Kosovo*. But its findings should be seen and assessed in the context of more global trends. The capacity of European journalists to perform their mission in their own countries often depends on the state of press freedom and the vibrancy of journalism elsewhere in the world. The coverage of the pandemic, climate change, migration, transnational crime, tax fraud, or terrorism requires independent information from outside of Europe. "A central challenge of the twenty-first century will be to create a global system of a free press for the emerging global society. When the rights of foreign media are curtailed, *our* rights are threatened", wrote Columbia University President Lee C. Bollinger in a 2010 ground-breaking essay on "a free press for a new century". This challenge was particularly well-documented in a UNESCO brief on the safety of foreign correspondents in an ever-more interdependent world.⁶³

■ European journalists' scrutiny of attacks on the press should extend to these countries which impact on European realities and events, from Syria to China. The protection of journalists involved in transnational collaborative projects is crucial. This global approach is equally obvious when European journalists are victims of attacks by or in non-European states. The alleged use of spyware technology by Morocco to surveil a number of French and Spanish journalists, the 2018 murder of three Russian journalists in the Central African Republic, while investigating Russian private security group Wagner, the April 2021 abduction of French journalist Olivier Dubois in Mali by jihadists, as well as the July 2021 assassination, allegedly by a transnational drug mafia, of Dutch investigative journalist Peter R. de Vries, have dramatically highlighted the issue of globalised attacks against the press.

⁶² UNESCO Global Media Defence Fund webpage, at: <https://en.unesco.org/global-media-defence-fund>.
* 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.

⁶³ Horsley, William; Meera, Selva, "Freedom of expression and the safety of foreign correspondents: trends, challenges and responses", UNESCO, 2021, at: <https://unesdoc.unesco.org/ark:/48223/pf0000378300>.

Summary of the recommendations

The Partners acknowledge the unceasing efforts by the Secretary General of the Council of Europe and the Commissioner for Human Rights to address issues of major concern related to freedom of expression and media freedom. We greatly value our evolving dialogue with the Committee of Ministers based on the alerts of the Platform. We welcome the fact that most of the recommendations made in last year's report are reflected in current or prospective work of the Council of Europe. The overriding purpose of our dialogue with Permanent Representatives of the member states (Committee of Ministers) is to promote the recognition of the grave dangers arising from systemic failures to protect the lives and work of independent journalists, and to prompt effective actions to improve the actual situation.

Partners call for a dramatic improvement in the rate and quality of written responses to alerts. Each alert requires the prompt attention of public officials in the relevant parts of the government concerned. We urge all member states to establish effective internal and inter-departmental mechanisms to ensure that alerts are replied to and are followed up with effective remedial actions as required to remove the threat. The partners are ready to engage with the Council of Europe institutions, and notably with the Secretary General, to help provide guidance to member states on the successful management and coordination of responses.

The partners express serious disappointment that the Russian Federation and Turkey have continued to decline engaging with the work of the Platform and responding to alerts. Our organisations remain prepared at any time to engage in a meaningful dialogue with the authorities of the two countries on the substance of the alerts posted on the Platform and the actions needed to remedy violations identified in them. (Note: at the time of final editing, the Russian Federation's invasion of Ukraine had begun. The Platform partners note the decision by the Council of Europe to suspend the Russian Federation from its rights of representation in the Committee of Ministers and the Parliamentary Assembly).

In addition, the partners call:

On the Committee of Ministers for rapid and consequential actions in response to the **non-execution of ECtHR rulings**. Cases in which the Court's injunctions

to release persons who have suffered false imprisonment are of particularly acute concern.

On the member states to allocate resources, create enabling conditions and co-operate in good faith with journalists' organisations and other stakeholders to implement the landmark **Recommendation CM Rec 2016/4**.⁶⁴ The Council of Europe is asked to provide all possible support and encouragement for government authorities to enact reforms to their domestic laws and practices to implement the provisions on Protection; Prevention; and the effective Prosecution of those responsible for threats and attacks against journalists.

On the member states to take all necessary measures **to protect media workers** following threats and assaults, **especially at public events**. When cases of violence targeting journalists are reported, whether by state or non-state actors, they must always be thoroughly investigated, and necessary remedial action taken to deter further attacks. Member states should develop and follow best practice to enable the media's right to report, taking account of those laid down in the National Plan for the Safety of Journalists in the UK, and the Safety Protocol between police, journalists' organisations, editors, and the prosecuting authorities in the Netherlands.

On the member states to take the strongest possible measures against **abusive lawsuits and criminalisation of journalism**, including guidelines for prosecutors on rules to be followed to prevent vexatious or frivolous legal actions which fail to meet a necessary threshold of seriousness; and to establish strong safeguards against gross "inequality of arms" (unfair balance between the opportunities afforded the parties involved in litigation) as well as cross-border SLAPPs and forum-shopping, in particular in the UK as a centre for libel tourism.

On the Council of Europe, European Union and the OSCE to promote the genuine **independence of public service media** and on members states to implement Council of Europe standards and provide the right conditions for their independence. It is the duty of organisations representing the interests

⁶⁴ Committee of Ministers, Recommendation CM/Rec(2016)4 to member states on the protection of journalism and safety of journalists and other media actors, Strasbourg, 2016, at: <https://bit.ly/3lFT8b1>.

and concerns of public service broadcasters to challenge all forms of interference by political or vested interests.

On the member states to strengthen instruments to guarantee **media pluralism, transparency of media ownership and control**, regulatory independence, elimination of conflicts of interest between politicians and media oligarchs and the fair distribution of government advertising and other public funds to media.

On the member states to undertake to investigate and prosecute **online threats and abuse against journalists**, as well as combat online harassment. Legal obligations placed on online platforms to moderate illegal content must be subject to scrutiny to ensure that these obligations comply with international free expression standards including legality and proportionality, promote transparency and provide an independent appeals process.

On the member states to provide public and transparent guarantees for the **independence and accountability of media regulatory bodies**, including bodies that oversee mergers and competition rules in the media sector. The criteria applied in licensing and other regulatory decisions must provide robust guarantees against arbitrariness or partisanship, including fair appeals processes and a requirement for licensing authorities to justify decisions using criteria that are consistent with Council of Europe standards of equity and fairness.

Thematic Sections

Attacks on physical safety and integrity of journalists



Ares (Cuba) / Cartooning for Peace

■ In 2021, there were 82 alerts about attacks on physical safety and integrity of journalists submitted by partner organisations to the Council of Europe's Platform to Promote the Protection of Journalism and Safety of Journalists. This represents a very significant increase (+ 60%) from 51 similar incidents posted in 2020.

■ 2021 saw the most journalist killings in Europe since 2015, the year of the terrorist attacks on the magazine Charlie Hebdo in Paris, with three fatalities from targeted deadly attacks in Greece, the Netherlands and Turkey, one from violent protests in Georgia and two in a landmine incident in Azerbaijan. In 2021, the Platform recorded three times more murders of journalists than were reported in 2020 and 2019.

■ **Maharram Ibrahimov**, a reporter working for state news agency AzerTag and **Siraj Abishov**, a cameraman for Azerbaijan public broadcaster AzTV, were killed on 4 June 2021 in a landmine explosion in the Kalbajar region, west of Nagorno-Karabakh where they were covering the fighting between Azerbaijan and Armenia.

■ In Georgia, 37-year-old **Aleksandre Lashkarava**, a cameraman for the TV broadcaster Pirveli, was found dead at his home on 11 July 2021. He was one of the nearly five dozen journalists assaulted by a violent mob of anti-LGBTQI+ protesters while reporting from the Tbilisi Pride March on 5 July. He sustained fractures to his facial bones and was treated at the medical centre for four days

before returning home, according to media reports. Press freedom groups were harshly critical of the state's investigation into the journalist death - an autopsy was not available five months later - and more broadly of its lack of efforts to pursue those responsible for the violence against the media during the Pride March.

■ **Hazım Özsü**, the presenter at Radio Rahmet FM, a local radio station in Turkey, was shot dead at home by a man who later confessed to the killing to the authorities. The man said he had wanted to “shut down the journalist’s voice” after taking offence at verbal expressions used by Özsü during the Covid-19 pandemic, which he said had violated sacred religious values.

■ On 6 July, Dutch investigative crime journalist **Peter R. de Vries** was shot allegedly in relation to his role as a key advisor to the key witness in the Marengo trial, an extensive criminal trial against leading members of a notorious drug trafficking organisation. De Vries’ murder greatly impacted the (perception of) safety of journalists in the Netherlands. On that day Peter R. de Vries was a guest on the daily television programme RTL Boulevard. After leaving the building, he was shot five times at close range in a side street near the studio and died nine days later. The police arrested three suspects, one of whom was later released, according to media reports. In October and December two men went on trial in connection with the killing.

■ **Giórgos Karaiváz**, a well-known Greek television reporter for Star TV and the founder of the news website bloko.gr, was gunned down on 9 April 2021 by two men on a moped and shot at least six times, killing him instantly outside his house in Athens. Police said the attack on the veteran crime reporter occurred in broad daylight as he returned home from a shift on a live programme on Star TV. At the end of the year police had still failed to publicly identify any suspects and no arrests had been made.

■ Public events such as rallies and protests, in particular demonstrations against measures to combat the Covid-19 pandemic, were the backdrop for most of the recorded assaults on journalists. 32 incidents of violence on reporters and media crew members were reported, involving protesters (in Armenia, Croatia, France, Georgia, Germany, Greece, Italy, Montenegro, Serbia, Spain, the United Kingdom, the Netherlands, Turkey, Ukraine). The security of media staff at these events has deteriorated to the point where in some cases media organisations and their staff have stopped displaying their logo while reporting in the field.

■ There were twelve reported incidents of assault by police forces at public events in 2021 (in Albania, France, Greece, Poland, Russia, Spain, the United Kingdom and Turkey), a significant decrease from 2020. The policing of public space however remains problematic. Nineteen alerts, almost exclusively related to Russia and Turkey, document obstruction from police and judicial authorities,

who used powers to order, stop or detain. The police reportedly failed to take appropriate action to protect them and, in some cases, even impeded journalistic work. “I am deeply worried by numerous reports of physical attacks on journalists covering demonstrations by law enforcement officers, or of police hindrance and disruption of media workers’ reporting of demonstrations”,⁶⁵ wrote the Council of Europe’s Commissioner for Human Rights Dunja Mijatović in April 2021.

■ Police violence took extreme forms in Belarus, with multiple injuries inflicted on journalists, the alleged use of torture and damages to media premises, one of the most brutal and comprehensive campaigns of state repression of journalists in recent memory anywhere in Europe.

■ Twenty other alerts filed under the “attacks on physical safety and integrity”, “detention and imprisonment” and “harassment and intimidation” concern cases of insults, threats, damaged equipment, or interference with media reporting, perpetrated mainly by protesters.

■ There were also twelve alerts reporting assaults on journalists which were unrelated to public rallies or protests, several of which caused serious bodily harm. These were mostly carried out in Russia, Turkey, and Ukraine by unknown non-state actors, but at least one case involved police personnel.

■ Eleven alerts from across Europe shed light on cases of arson, sabotage, and other damage to property, perpetrated exclusively by private or unknown persons. These attacks targeted property of journalists or media outlets, attacks on broadcasting stations or offices being particularly noticeable.

■ Finally, the Platform recorded a series of alerts providing details of death threats against journalists, notably in France, Russia, Serbia, Spain, and the Netherlands.

■ On a positive note, several countries adopted plans aimed at better ensuring journalists’ safety, along the lines of the UK, Dutch and Swedish action plans for the safety of journalists. Some have had a mixed success. In Serbia in December 2020 the government set up a Working Group for Security and Protection of Journalists. But in March 2021, five journalist and media associations withdrew their cooperation citing lack of trust in institutions and a concerted campaign of smears and threats directed against the leading investigative journalists’ group KRIK.⁶⁶

65 Council of Europe, “Journalists covering public assemblies need to be protected”, 30 April 2021, at: https://www.coe.int/en/web/commissioner/blog-2021/-/asset_publisher/aa3hyyf8wKBn/content/journalists-covering-public-assemblies-need-to-be-protected.

66 International Press Institute, “Serbia: Credibility of new working group questioned after KRIK smear”, 1 April 2021, at: <https://ipi.media/serbia-credibility-of-new-working-group-questioned-after-kirk-smear>.

Developments regarding impunity cases in Europe

■ By the end of 2021, 35 impunity cases had been registered on the Platform since 2015. Two cases – those of Turkish journalist, Uğur Mumcu,⁶⁷ murdered in 1993, and Turkish-Cypriot journalist Kutlu Adalı,⁶⁸ murdered in Cyprus in 1996 – were added to the impunity category during the year. There were new developments in several cases (Pavel Sheremet, Hrant Dink, Daphne Caruana Galizia, Ján Kuciak), but none warranted any of these alerts to move to “progress” or “resolved”. The Platform defines impunity as the lack of resolution of the case after two years.

■ In July 2021, the 438 page-report of the Public Inquiry into Daphne Caruana Galizia’s assassination concluded that the state of Malta “must bear responsibility for the assassination because it created an atmosphere of impunity”.⁶⁹ The Platform partners also welcomed the indictment of alleged mastermind Yorgen Fenech, who was charged with complicity to commit murder in August 2021, deeming it a “milestone” in the pursuit of justice. But persistent delays and administrative obstacles to the judicial processes during more than four years since the journalist’s killing demonstrate fundamental weaknesses in Malta’s commitment to open and equal justice.

■ The Slovak Supreme Court’s decision to overturn the not guilty verdicts for the suspected masterminds of the 2018 murder of journalist Ján Kuciak and his fiancée Martina Kušnírová was also welcomed by the Platform partners. The case will now be returned to the Specialised Criminal Court.

■ In December 2021, the partners of the Platform and other press freedom groups also hailed the confirmed guilty verdicts handed down to four former officials in the Serbian state security services for the murder in 1999 of leading journalist and editor-in-chief Slavko Ćuruvija.⁷⁰

■ The Russian Federation, Turkey, and Ukraine account for 60% of all the cases relating to impunity. The Platform partners remain especially concerned at the very high rate of impunity that shields the perpetrators of crimes against journalists in those countries and call on the authorities to ensure that the highest priority is given to conducting thorough and transparent investigations

67 Alert “Continued Impunity Following Murder of Turkish Journalist Uğur Mumcu”, posted 28 October 2021, at: <https://go.coe.int/YTe3w>.

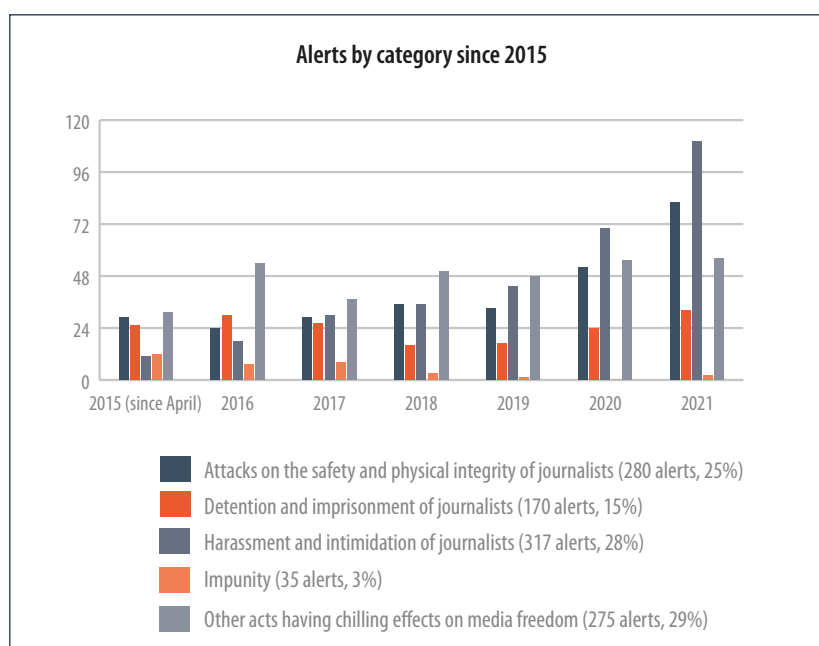
68 Alert “Continued Impunity Following Murder of Turkish Cypriot Journalist Kutlu Adalı”, posted 30 September 2021, at: <https://go.coe.int/qth7d>.

69 Daphne Caruana Galizia Foundation, “Maltese State Held Responsible for death of Daphne Caruana Galizia”, 29 July 2021, at: <https://www.daphne.foundation/en/2021/07/29/public-inquiry-report>.

70 European Federation of Journalists, “Serbia: MFRR welcomes renewed convictions for murder of Slavko Ćuruvija”, 3 December 2021, at: <https://bit.ly/3idhckg>.

into all crimes against journalists. As evidenced by twenty alerts filed in 2021 concerning attacks in the Russian Federation, Turkey, and Ukraine, journalists in those states continue to face violence on a recurring basis.⁷¹ Rapid and robust action by state authorities is essential to root out the cultures of impunity that underlie these statistics, and instead to establish a genuine culture of promoting the safety and protection of journalists and media workers in all branches and layers of government.

■ Impunity is not just about the past, as it emboldens potential killers. On the International Day to End Impunity for Crimes Against Journalists, on 2 November 2021, Inge Welbergen, Chair of the Council of Europe Steering Committee on Media and Information Society (CDMSI), recalled member states of the 2016 Recommendation of the Committee of Ministers which requires [states] “adopt appropriate criminal law provisions to prevent impunity”.⁷²



⁷¹ Alerts relating to “Attacks on physical safety and integrity of journalists” in the Russian Federation, Ukraine, and Turkey, January – December 2021.

⁷² Council of Europe, “Statement by the Chair of the CDMSI on the occasion of the International Day to End Impunity for Crimes Against Journalists”, 2 November 2021, at: <https://bit.ly/3KOujV4>.

The fight for justice on behalf of Daphne Caruana Galizia's family

Daphne Caruana Galizia, a prominent investigative journalist and blogger who reported on government corruption and the Panama Papers, was killed in a car bomb attack in Malta on 16 October 2017.

A total of seven men have been accused of - or admitted to - complicity in Daphne's murder. Three criminal cases were pending before Malta's courts: against the alleged hitmen, the alleged mastermind, and the alleged bomb suppliers.

The middleman, Melvin Theuma, was granted a pardon in 2019 and is a state witness in the criminal proceedings. One of the hitmen, Vincent Muscat, was granted a plea bargain in 2021 and has been sentenced to 15 years in prison for his role in executing the murder. Suspects Robert Agius and Jamie Vella were arraigned in 2021 on suspicion of having supplied the murder weapon. The compilation of evidence in their case is ongoing. By the end of 2021, press freedom groups continued to wait for the commencement of the jury trials of two other suspected hitmen, Alfred and George Degiorgio, and of businessman Yorgen Fenech, who is accused of conspiring to commission and finance her assassination.

Whereas the criminal proceedings and magisterial inquiry focused solely on criminal culpability, a separate Public Inquiry into the assassination of Daphne Caruana Galizia published its ground-breaking conclusions on 29 July, finding that "the State has to shoulder responsibility for the assassination because it created an atmosphere of impunity, generated from the highest levels in the heart of the administration of the Office of the Prime Minister and like an octopus spread to other entities like regulatory institutions and the police, leading to the collapse of the rule of law. As a result, the State (a) failed to recognise the real and immediate risks, including the criminal intent of third parties towards the life of Daphne Caruana Galizia; and (b) failed to take measures within the scope of its powers which, with reasonable judgement, the State was expected to take to avoid that risk. While the inquiry did not identify proof of direct government involvement in the assassination, it found that state authorities created a "favourable climate for anyone seeking to eliminate her to do so with the minimum of consequences."

During an October 2021 mission, press freedom advocates met with Prime Minister Robert Abela (Labour Party) to follow up on how the recommendations of the Public Inquiry would be implemented. In particular, they sought assurances that the Maltese authorities would refrain from amplifying a policy of media regulation; ensure the passage of comprehensive legislation tackling Strategic Lawsuits against Public Participation (SLAPPs); improve access to information; engage in continuous transparent consultation and dialogue with civil society and journalists' organisations; and contribute to changing the culture of how journalists are treated in Malta - including ensuring better protections for journalists to be able to do their jobs safely. The press freedom advocates also encouraged a transparent and effective appointment of a Committee of Experts to implement the recommendations of the Public Inquiry.

At the year's end, concerns were raised that the Committee of Experts group selected by the Prime Minister would not necessarily meet the high expectations set out by the

Public Inquiry. The Prime Minister did not publish terms of reference for the selection of candidates, did not openly consult with civil society about the appointment of the Committee of Experts, and did not respond to a letter from civil society seeking clarification. Concerns were also expressed that the government's proposal to tackle SLAPPs was not in line with international standards and would not adequately eradicate the practice of the abuse of these vexatious lawsuits against Malta's journalist community. Platform partners continued to offer technical assistance to the Maltese authorities and the Commission of Experts to implement the recommendations of the Public Inquiry.

Covid-19-related restrictions



Cristina (Portugal) / Cartooning for Peace

■ The Covid-19 pandemic was used by opportunistic governments to introduce a raft of measures against media and journalists. This ranged from limiting access to government briefings and health workers, relaxing rules of freedom of information systems, directing Covid-19 “public health information” funds to pro-government media and, in the Russian Federation and Hungary, introducing laws criminalising the deliberate spread of disinformation related to the pandemic. Most disturbingly, the health crisis created a toxic and violent atmosphere on the streets of Europe where unprecedented levels of assaults on journalists by the public as well as the police have been recorded, particularly at lockdown-related demonstrations.

■ Except for the criminalising of disinformation in the Russian Federation and Hungary most of the other restrictions introduced have since returned to pre-Covid-19 rules. In 2021, however, Covid-19-related violence against journalists has only intensified. 20 alerts were directly related to events in the context of the Covid-19 pandemic. More than half of these alerts reported attacks or threats and insults against journalists who were covering demonstrations by opponents of government health restrictions. Such attacks have been reported in Austria, Belgium, Croatia, Cyprus, France, Germany, Slovenia, Spain, the Netherlands, and the UK. The Mapping Media Freedom monitoring project,

which covers EU member states, candidate countries for entry to the EU and the bloc's neighbouring countries, recorded some 166 incidents of physical intimidation or assault on journalists related to Covid-19 during 2021 compared with 85 in 2020. These alerts involved attacks on 252 different persons or entities in nineteen countries.⁷³ "Many journalists were threatened with violence, while others were chased and physically attacked," the Council of Europe's Commissioner for Human Rights Dunja Mijatović stated on 30 April 2021.⁷⁴

■ Germany saw an increased number of attacks against journalists covering Covid-19-related protests, with a regular presence of extreme right-wing and neo-nazi militants as well as of the Querdenker (literally "lateral thinkers"). This latter group presents itself as grassroots and libertarian but in April 2021 it was put under surveillance by the Bundesamt für Verfassungsschutz (BfV, the domestic intelligence agency) in a new category called *verfassungsschutzrelevante Delegitimierung des Staates* (delegitimisation of the state relevant to the protection of the Constitution). The police's behaviour during these protests has also been criticised.

■ Journalists were threatened while investigating shortcomings, irregularities, or potential crimes in the public management of the health crisis. This was the case in Belgium, Cyprus, France, Georgia, Romania, and Ukraine. In March 2021, Hungarian independent media issued a joint letter accusing the government of putting lives at risk by barring the media from covering the extent of the crisis in hospitals.

■ In Russia, the authorities used an alleged violation of health regulations to justify sanctions against a journalist who had covered the protests in favour of the opposition politician Alexei Navalny.

■ The media will be counting the cost of the pandemic and its repercussions for years to come. Decisive action will be needed to roll back the noxious effects it had on journalism. "During the Covid-19 pandemic, there was a strong rise in reports of violence against journalists as well as censorship and reprisals for questioning government's policies", the Council of Europe Secretary General, Marija Pejčinović Burić, declared in a statement issued ahead of World Press Freedom Day 2021. "At the same time, quality media face serious economic challenges and many journalists have lost their jobs due to the pandemic. (...) It is time to recall that states have an obligation to ensure that journalists can

73 European Centre for Press and Media Freedom, "Mapping Media Freedom records 626 violations in 2021", 21 February 2021, at: <https://www.ecpmf.eu/monitoring-report-2021-626-media-freedom-alerts-recorded-in-europe-in-one-year/>.

74 Council of Europe, "Journalists covering public assemblies need to be protected", 30 April 2021, at: <https://go.coe.int/WVZhy>.

carry out their work free from violence and intimidation and fulfil their role as public ‘watchdog’, which includes holding public authorities accountable for their decisions and action”⁷⁵

⁷⁵ Council of Europe, “Secretary General: European governments should show stronger political will to protect press freedom”, 28 April 2021, at: <https://bit.ly/37oWc7O>.

Detentions, arrests and criminal prosecution

■ Legal measures were used in many parts of Europe as a means of silencing journalists. In 2021, journalists were arrested and sent to prison because of their legitimate exercise of journalism. And in blatant contradiction of the European Court of Human Rights (ECtHR) case law, which clearly establishes that the imposition of prison sentences for press offences is only compatible with Article 10 of the European Convention on Human Rights in “exceptional circumstances”.

Detention measures

■ The practice of pre-trial detention measures prevented journalists from effectively carrying out their jobs.

■ Six alerts reported remand or home detention measures ordered in Russia, Ukraine (Russian-occupied Crimea) and Turkey in relation to charges which included espionage, terrorism and involving minors in unlawful activities.

■ In many countries - including EU member states like Bulgaria, France and Greece - journalists were detained, even if for short periods of time, during their coverage of demonstrations and were not able to fully report on the event because of police detention measures.

■ In Russia, reporters looking to cover protests in support of opposition leader Alexei Navalny were subject to short-term detention.

Imprisonment of journalists

■ Journalists continued to be sentenced to prison for their work.

■ As of 31 December 2021, 56 journalists were reported on the Platform as imprisoned, including 34 in Turkey, seven in the Russian Federation and ten in the Russian-controlled Crimean region of Ukraine, four in Azerbaijan and one in the United Kingdom. This is a major decrease from 2020, mostly due to the end of sentences for journalists and media workers in detention in Azerbaijan and Turkey.

■ Eleven alerts on Azerbaijan, the Russian Federation, Turkey and Ukraine (Crimea) were on the sentencing of journalists found guilty in 2021 of insulting a public officer; organising or participating in an illegal protest; conducting propaganda against the government; refusal to obey police orders and disturbing road traffic; disclosing confidential information; or supporting a terrorist organisation.

Criminalisation of journalism

■ Criminal justice was instrumentalised to target critical journalism.

■ In 2021, the ECtHR decided that criminal proceedings on charges of insult to the President (of Turkey) were incompatible with Article 10 of the Convention, recommending that the Turkish Criminal Code be revised.⁷⁶

Safeguarding confidentiality of sources

■ The use of investigatory powers by law enforcement officials threatened the protection of sources and the whistleblowing of illegal conduct or wrongdoing. The ECtHR has set criteria under which a violation of confidentiality comes under the protection of freedom of expression.⁷⁷ The Committee of Ministers has elaborated guidance to ensure whistleblower protection in accordance with these criteria.

■ Four alerts in Italy, Portugal and Albania involved cases where source confidentiality was jeopardised.

⁷⁶ European Court of Human Rights, *Vedat Şorli v. Turkey*, application No. 42048/19, judgment of 19 October 2021.

⁷⁷ See, for example, European Court of Human Rights, *Fressoz et Roire v. France* [GC], application No. 29183/95, judgment of 21 January 1999, paras. 52 et s.; *Stoll v. Switzerland* [GC], application No. 69698/01, judgment of 10 December 2007, paras. 107 et s.

**56 Journalists and media actors in detention
in the Council of Europe member states (as of 31 December 2021)**

Turkey	Russian Federation
<ol style="list-style-type: none"> 1. Abdulkadir Turay 2. Ahmet Metin Sekizkardeş 3. Ali Ahmet Böken 4. Ali Ünal 5. Ali Yüce 6. Ayşenur Parıldak 7. Beytullah Özdemir 8. Ercan Gün 9. Erdal Süsem 10. Erkan Akkuş 11. Erol Zavar 12. Faruk Akkan 13. Fevzi Yazıcı 14. Gültekin Avcı 15. Hakan Taşdelen 16. Hatice Duman 17. Hidayet Karaca 18. İsmail Çoban 19. İsmail Efe 20. Kenan Karavil 21. Mehmet Baransu 22. Miktat Algül 23. Murat Çapan 24. Mustafa Gök 25. Mustafa Ünal 26. Nedim Türfent 27. Nuh Gönültaş 28. Özcan Keser 29. Şeref Yılmaz 30. Seyithan Akyüz 31. Uğur Yılmaz 32. Vahit Yazgan 33. Yakup Şimşek 34. Ziya Ataman 	<ol style="list-style-type: none"> 1. Abdulmumin Gadzhiev 2. Aleksandr Dorogov 3. Aleksandr Valov 4. Igor Kuznetsov 5. Ivan Safronov 6. Rashid Maysigov 7. Yan Katelevskiy <p align="center">Ukraine (Russian-controlled Crimea)</p> <ol style="list-style-type: none"> 1. Amet Suleymanov 2. Asan Akhtemov 3. Marlen Asanov 4. Osman Arifmemetov 5. Remzi Bekirov 6. Rustem Sheikhaliev 7. Server Mustafayev 8. Seyran Saliev 9. Timur Ibragimov 10. Vladislav Yesypenko <p align="center">Azerbaijan</p> <ol style="list-style-type: none"> 1. Afgan Sadikhov 2. Aslan Gurbanov 3. Elchin Mammad 4. Polad Aslanov <p align="center">United Kingdom</p> <ol style="list-style-type: none"> 1. Julian Assange

Extradition proceedings of Julian Assange pose global threat to press freedom

The US Justice Department's continued pursuit of the extradition of WikiLeaks founder Julian Assange from the UK to the US set a dangerous legal precedent for prosecuting journalists reporting on national security issues.

On 10 December, the British High Court upheld the United States Justice Department's appeal to extradite, allowing the US to continue pursuing his extradition.

The ruling overturned an earlier decision in a lower court that had blocked the extradition of Assange from the UK on the grounds that he would be a suicide risk in a US prison. It followed an appeal lodged by the US in February.

The indictment, issued during the Trump presidency, charges Assange with conspiring with US Army intelligence analyst Chelsea Manning to acquire and publish classified military and diplomatic information on WikiLeaks.

If extradited and convicted in the United States, Assange faces up to 175 years in prison: ten years for each of the seventeen charges filed under the Espionage Act, and five years for a Computer Fraud and Abuse Act violation.

The extraterritorial application of the Espionage Act means that any journalist anywhere in the world could potentially be prosecuted for publishing classified US information.

The move to prosecute him under the US Espionage Act undermines press freedom globally as the charges hinge on an allegation of conspiracy between a publisher and sources. So a successful prosecution of Assange could open the way for prosecutions in many other cases where reporters depend on confidential sources and whistleblowers to gather and publish information that the public should know.



Boligán (Mexico) / Cartooning for Peace

SLAPPs and defamation lawsuits

■ Civil and criminal defamation, as well as other charges based in criminal law, continued to be used against media and journalists throughout Europe. Most notably, strategic lawsuits against public participation (SLAPPs) were aimed increasingly at discouraging media and journalists from reporting public interest topics. SLAPPs refer to (typically but not exclusively) civil lawsuits - brought by powerful individuals or companies- that have little legal merit and are designed to intimidate and harass the target, especially through the prospect of burdensome legal costs. Even if they are not won in court, these judicial proceedings may have already reached their objective, which is to intimidate and to financially cripple and emotionally exhaust journalists.

■ In 2021, unreasonably high damages for defamation claims, up to half a million euros, were sought from journalists and media which had a chilling effect on freedom of expression. *Gazeta Wyborcza* in Poland⁷⁸ and *Index.hr* in Croatia⁷⁹ each faced around 65 active defamation lawsuits.

■ A number of SLAPPs were dismissed in court: in Romania, for instance, where journalist Ana Poenariu and the Rise Project, a community of journalists, programmers and activists investigating organised crime and corruption, had been asked to pay €488,000 in damages; or in Malta, where a former Satabank co-owner failed in his attempt to sue in a Bulgarian court Maltese blogger Manuel Delia for an article published by a Maltese website.

■ In Serbia, abusive lawsuits are common tactics against independent media, with the non-profit Crime and Corruption Reporting Network (KRIK in Serbian) being especially targeted.⁸⁰ Typically, claimants request the court to force journalists and media to remove publications, apologise, publish a rectification, and commit not to report about a specific topic in the future.

■ In an October 2021 submission to the United Nations' Special Rapporteur on the situation of human rights defenders, the UK anti-SLAPP coalition indicted the English libel system "as a more plaintiff-friendly jurisdiction for legal intimidation". Two alerts highlighted the case of British journalists and

78 Balkan Insight, "SLAPP Cases Targeting Many Public Actors Besides Journalists – Report", 17 March 2022, at: <https://balkaninsight.com/2022/03/17/slapp-cases-targeting-many-public-actors-besides-journalists-report/?msclkid=a656c704a5fb11ecab9d5252522d5d3c>.

79 Alert "Croatian News Website Index.hr and its Journalists Face 65 Lawsuits", posted 23 September 2021.

80 Alert "Serbian Investigative Outlet KRIK Sued by State Security Agency Director", posted 20 May 2021.

authors, Tom Burgis⁸¹ and Oliver Bullough,⁸² who were sued for defamation after they published books based on their journalistic research. The latter is being sued in Portugal by the vice-president of Angola for €525,000 in relation to his award-winning non-fiction book, *Moneyland*. (The case against Financial Times journalist Tom Burgis was dismissed by a High Court Judge in March 2022).⁸³

■ **Criminal defamation** continues to be used as a basis to charge and sentence journalists. Four journalists of the Greek newspaper *Dimokratia*, the chief editor, Dimitris Rizoulis, the main columnist, Manolis Kottakis, and the two editorial directors, Andreas Kapsabelis and Georgios Patroudakis⁸⁴ were charged with insulting president Erdogan while journalist Hakki Boltan⁸⁵ was sentenced to over two years in prison for insulting the Turkish head of state and the prime minister. In addition, Nickolay Stoyanov,⁸⁶ financial editor at the *Capital Weekly* and website *Capital.bg*, was sued for criminal defamation by the former director of the Bulgarian Development Bank and a Cypriot national named in the reporting.

■ Criminal charges can be brought against journalists in order to hamper their work and taint their reputation. Russian authorities opened a court case against journalist Yury Dud⁸⁷ for “advertising drugs” in video interviews, while *Legalizace* magazine editor-in-chief Robert Verveka⁸⁸ faced similar charges in the Czech Republic for allegedly inciting and promoting drug addiction through publications. In Slovakia, *Denník N* journalists Monika Tódová and Konštantín Čikovský face criminal charges for allegedly revealing the identity of a former intelligence agent who acted as secret witness in the investigation into the murder of Ján Kuciak.⁸⁹

81 Alert “Journalist and Author Tom Burgis, HarperCollins, and the Financial Times Sued in London”, posted 22 October 2021.

82 Alert “Damages sought from British Journalist Oliver Bullough in Portugal”, posted 29 September 2021.

83 Press Gazette, “Kazakh mining giant drops FT libel action after judge dismissed claim against journalist’s ‘dirty money’ book”, 14 March 2022, at: <https://pressgazette.co.uk/judge-dismisses-libel-claim-against-tom-burgis-kleptopia/>.

84 Alert “Dimokratia Journalists Charged in Turkey with ‘insult to the President’”, posted 16 November 2021.

85 Alert “Turkish Journalist Hakki Boltan Sentenced to 2 Years and 17 Days in Prison for Insulting President and Prime Minister”, posted 2 July 2021.

86 Alert “Three Defamation Lawsuits Filed against the Financial Editor of Capital Newspaper Nickolay Stoyanov”, posted 26 May 2021.

87 Alert “Russian Authorities Open Court Case against Journalist Yury Dud for ‘Advertising Drugs’”, posted 18 June 2021.

88 Alert “Legalizace Magazine Editor-in-chief Robert Verveka Charged with Inciting and Promoting Drug Addiction”, posted 4 November 2021.

89 Alert “Denník N Journalists Monika Tódová and Konštantín Čikovský Face Criminal Charges”, posted 21 September 2021.

Restrictive legislation



Pov (Madagascar) / Cartooning for Peace

■ In 2021, restrictive legislation was introduced or expanded in Council of Europe member states with serious implications for journalists and their ability to exercise their profession.

■ Laws criminalising journalism were weaponised in the **Russian Federation**. Amendments to the Foreign agent law introduced criminal sanctions and further broadened the scope of “foreign agents” and of “foreign sources” definition, expanded the grounds for designating individuals as “foreign agents” and introduced administrative fines. The Venice Commission considers the provisions of this legislation as “constitut[ing] serious violations of basic human rights, including the freedoms of association and expression”,⁹⁰ 2021 saw a surge of individual cases against journalists and media outlets, leading to a serious deterioration of what remains of press freedom in the country

⁹⁰ European Commission for Democracy through Law (Venice Commission), “Compatibility with International Standards of a series of Bills Introduced by the Russian State Duma between 10 and 23 November 2020 to amend laws affecting “foreign agents””, Opinion 1014/2020, 6 July 2021.

as outlets including RFE/RL,⁹¹ Meduza⁹² and Dozhd TV⁹³ amongst others were designated “foreign agents”. The law was also used to smear individual journalists and media organisations.⁹⁴ (Note: in the aftermath of Russia’s invasion of Ukraine the remaining independent media have been forced to close or to censor their reporting).⁹⁵

■ In **Greece**, alleged “fake news” was made a crime in November 2021. Parliament passed an amendment to the Criminal Code and the Code of Criminal Procedure which makes it a criminal offence to spread fake news that is “capable of causing concern or fear to the public or undermining public confidence in the national economy, the country’s defence capacity or public health,” punishable with up to five years in prison. There is a serious risk that the provision could be used to punish media professionals, civil society, and anybody who criticises or takes issue with government policies, creating a chilling effect on free speech and media freedom.⁹⁶

■ In **Poland**, the ruling Law and Justice (PiS) party tabled the so-called LEX TVN bill⁹⁷ that would ban non-European ownership of Polish media, in a move that was internationally criticised as an attempt to erode media pluralism and silence critical journalism. On 27 December 2021, the Polish President Andrzej Duda vetoed the media ownership law, sending it back to parliament to be re-examined. The President noted that while he agreed with the principle of the law, it should not apply retroactively where existing investment protection treaties are already in place, noting also concerns over property rights, media pluralism and freedom of speech.

91 Alert “Russian Regulator Announces Fines for RFE/RL Outlets under Expanded ‘Foreign Agent’ Law”, posted 14 January 2021.

92 Alert “Ministry of Justice Labels Outlets Meduza and PASMI as ‘Foreign Agents’”, posted 28 April 2021.

93 Alert “Dozhd TV and IStories Tagged as ‘Foreign Agents’”, posted 8 September 2021.

94 Alerts “Anonymous Telegram Channel Publishes Financial Information of Russian Journalist Elena Solovyova”, posted 15 February 2021; “Russian Journalist Aleksey Mironov Interrogated, Charged over Navalny Protest Coverage”, posted 11 March 2021; “Proekt Journalists Roman Badanin, Mikhail Rubin and Mariya Zholobova Interrogated, Their Apartments Raided by Police”, posted 30 June 2021.

95 Columbia Journalism Review, “The Putin regime obliterates press freedom”, 7 March 2022, at: https://www.cjr.org/the_media_today/putin_russia_ukraine_independent_media.php.

96 Alert “New Law against Disinformation Threatens Press Freedom”, posted 23 December 2021.

97 Alert “Bill to Ban Non-European Media Ownership”, posted 14 July 2021.

“Foreign agents” law in the Russian Federation

The Russian Federation has extensive “foreign agent” laws. It portrays them as a tit-for-tat for the American Foreign Agent Registration Act; however, the Venice Commission emphasised their differences.⁹⁸

Journalists are particularly affected by two “foreign agent” labels.

The “mass media foreign agent” label⁹⁹ may apply to any foreign media with foreign funding and an unlimited audience. Russian media may also qualify if they co-create or distribute “mass media foreign agents” materials while receiving funds from them or foreign sources. Notably, materials can be non-political and funding unrelated to them and indirect. Any criteria above may also render Russian and foreign journalists “mass media foreign agents”.

The name of the label is misleading. While it is predominantly applied to media, other individuals and legal entities also qualify.

In 2021, the Ministry of Justice designated 94 new “mass media foreign agents”, bringing the total number to 111. Recent additions included widely trusted Mediazona,¹⁰⁰ Medusa,¹⁰¹ and TV Dozhd.¹⁰²

The label is harmful to these media outlets’ reputation and discriminatory. For instance, since April 2021, “foreign agents” may potentially be banned from covering elections and referenda. They must indicate their status in all materials, report on their activities, management, and expenses, and publicise the reports. Legal entities must also undergo annual audits.

Since March 2021, sanctions for non-compliance include fines up to 5 million rubles (€59,500), website blocking, and criminal liability, including up to two-years imprisonment. In 2021, at least 894 fines were imposed. At least one news outlet was forced to shut down after being added to the registry.¹⁰³

Labelled individuals and foreign media outlets must register Russian legal entities, which also become “foreign agents” by default, subject to further requirements and sanctions.

The as-yet-unused “individual foreign agent” label may apply to Russian or foreign citizens on two grounds. First, they should be involved in political activity or collect certain information in foreign interests. Both options may include journalism. Secondly, they should receive “support” from a foreign source or Russian source acting in its interests. Accredited foreign journalists are exempt unless they engage in activities “incompatible” with their professional activity.

98 European Commission for Democracy through Law (Venice Commission), Opinion No. 716-717/2013, 27 June 2014, Paragraphs 34-36; and European Commission for Democracy through Law (Venice Commission), Opinion No. 1014 / 2020, 6 July 2021, Paragraphs 19-23.

99 Alert “Russia: Proposals to Extend ‘Foreign Agents’ Law to Media Outlets”, posted 20 November 2017; Alert “Duma Committee Approves Legislation to Label Individual Journalists ‘Foreign Agents’”, posted 4 July 2018.

100 Justice for Journalists, alert posted 29 September 2021, at: <https://jff.fund/ru/jff/mediazona-6/>.

101 Justice for Journalists, alert posted 23 April 2021, at: <https://jff.fund/ru/jff/meduza-4/>.

102 Justice for Journalists, alert posted 20 August 2021, at: <https://jff.fund/ru/jff/dozhd-10/>.

103 Justice for Journalists, “Risk Map”, at: <https://jff.fund/risk-map/>.

“Foreign agents” must register with the regulator, indicate their status in materials and communication, and report on their activities and expenses. Since March 2021, sanctions for non-compliance include fines up to 50,000 rubles (€600), seizure of the “object of the offence” (for example, a computer), and criminal liability including up to five-years imprisonment.

Restrictions on reporting from designated areas

■ Local reporting restrictions imposed in Poland, Latvia, Lithuania and France in response to migration pressures have seriously impeded journalists' right to report on matters of high public interest.

■ The official argument that these measures were necessary in the name of public order and safety did not hold up to scrutiny. The purpose of these restrictions aimed at preventing journalists from reporting on the treatment of refugees, including breaches of international norms.

■ In the early summer of 2021, apparently in retaliation for EU sanctions, the authorities of Belarus granted visas to thousands of would-be migrants and asylum-seekers from the Middle East, primarily from Iraqi Kurdistan, with smaller groups hailing from Syria, Afghanistan and even Africa, and escorted them to the country's western borders. Belarus security officials then directed these men, women, and children to attempt to force their way past frontier defences.

■ On 5 July, Lithuania declared a state of emergency in an area close to its border with Belarus after detaining nearly 150 migrants who had entered its territory irregularly. Media organisations protested what they called "an unacceptable limitation on the freedom of the media and the public's right to independent information" about the growing humanitarian crisis.¹⁰⁴ As a result, an accreditation system was established to allow controlled media access. Latvia adopted a similar accreditation system after imposing a local state of emergency in its border area on 10 August.

■ In Poland, following a surge of border crossings by migrants, a Presidential decree on 2 September imposed a state of emergency covering a three-kilometre-wide zone on the Polish side of the border. It included blanket restrictions on access by media and civil society organisations, police powers to arrest persons contravening the rules, and unspecified penalties for technical recordings made in the designated area, with no exemption for journalists. The government claimed the measures were taken solely to ensure public order and safety,¹⁰⁵ but their legality was questioned by media, journalist organisations and by Poland's national Ombudsman. On 12 October, the ban was extended under the authority of the Minister of the Interior. Journalists renewed their protests at being blocked from reporting on allegations of

¹⁰⁴ LRT, "Lithuanian media outlets call on authorities to allow border access, say current restrictions 'unacceptable'", 6 September 2021, at: <https://bit.ly/35VpVFi>.

¹⁰⁵ Poland State Reply, on alert "Poland Bans Media Coverage in Poland/Belarus Border Area", 14 December 2021, at: <https://rm.coe.int/poland-en-reply-poland-bans-media-coverage-in-polandbelarus-border-are/1680a4e02b>.

mistreatment and neglect of migrants and refugees, refusal to allow registration of asylum claims, and pushbacks, i.e. returns of migrants who had crossed the border. On 19 November, the Council of Europe's Commissioner for Human Rights, Dunja Mijatović, called for an end to the exclusion of media workers and human rights actors so that human rights violations and the plight of the migrants could be monitored, reported and remedied. She cited reports of reprisals, harassment and intimidation of people in extreme need both inside and outside the restricted area. Several deaths were reported among those camped with little or no shelter or assistance in the border area.¹⁰⁶

■ In September, a two-person video team from ONET, one of the largest Polish web portals, were threatened with criminal prosecution for filming near the restricted area.¹⁰⁷ In November three photojournalists who took images of border guards from outside the restricted area were handcuffed and manhandled before being released. The guards demanded to view the images they had taken but no pictures were deleted.¹⁰⁸ Reporters from ARTE who strayed into the restricted zone were detained for 24 hours. They were punished with an admonition by a local court and Poland's ombudsman subsequently asked the Supreme Court to quash the verdict on the grounds that the ban on media access to the frontier area was unconstitutional. In January 2022 the Supreme Court agreed and voided the verdict.¹⁰⁹

■ On 30 November, when the state of emergency expired, the Polish Ministry of the Interior announced it would enforce a regulation called Temporary Ban on Staying in a Specified Area until 1 March 2022. Under the new provisions, journalists were allowed to apply to border guards for permits to enter the area accompanied by officials.¹¹⁰

■ In France, journalists who have attempted to report on police operations to evacuate people from migrant camps in the Calais region have been systematically turned away. Journalists have protested what they regard as overly strict police enforcement of the "security perimeter" around the camp which prevents media from reporting on the methods used to carry out the

106 Council of Europe, "Commissioner calls for immediate access of international and national human rights actors and media to Poland's border with Belarus to end human suffering and violations of human rights", 19 November 2021, at: <https://www.coe.int/en/web/commissioner/-/commissioner-calls-for-immediate-access-of-international-and-national-human-rights-actors-and-media-to-poland-s-border-with-belarus-in-order-to-end-hu>.

107 Alert, "ONET Journalist and Camera Operator Charged over Report from Poland/Belarus Border Area", posted 8 September 2021.

108 Alert, "Poland Bans Media Coverage in Poland/Belarus Border Area", posted 15 November 2021.

109 Alert, "ARTE TV Crew Detained and Prosecuted after Entering Poland/Belarus Border Area", posted 8 October 2021.

110 Alert, "Poland Bans Media Coverage in Poland/Belarus Border Area", posted 15 November 2021.

forced removals.¹¹¹ In a judgment of 3 February 2021, the French Council of State rejected the appeal filed by two freelance journalists who were barred from entry. It ruled that the safety perimeters set up by the police had neither exceeded what was necessary to ensure the safety of operations nor interfered in a “serious and manifestly illegal manner” with the journalists’ exercise of their profession. The journalists’ unions SNJ and SNJ-CGT, as well as the journalists’ associations of 35 media, including Le Monde, Le Figaro, Libération, France 2 and Radio France, have denounced this hindrance to journalists’ legitimate work and denial of the public’s right to be informed. “The protection of public order trumped the freedom to report”, Vincent Brengarth, a lawyer for the National Union of Journalists (SNJ) expressed with regret.

111 Alert, “Journalists Louis Witter and Simon Hamy Denied Access to Refugee Camps During Eviction”, posted 6 January 2021.

Harassment and smear campaigns



Ramsés (Cuba) / Cartooning for Peace

■ A total of 110 alerts concerning harassment and intimidation of journalists were posted on the Platform in 2021, compared to 70 in 2020. The highest number of cases were recorded in Poland, the Russian Federation, Serbia, Slovenia, and the United Kingdom. Harassment and smear campaigns have a strong chilling effect on journalists and media workers. They can cause significant psychological harm and may also represent a risk to the physical security of the victims, who may turn to self-censorship to avoid being targeted.

■ Most reported threats against journalists in 2021 were directed at the life, health, and physical integrity of the victims.¹¹² Most of these threats were

¹¹² Alerts “Russian Journalist Natalia Zubkova in Hiding Following Attack, Death Threats”, posted 4 March 2021; “Južne Vesti Portal Journalists Receive Death Threats”, posted 14 January 2021; “Police Arrest Suspects over Alleged Assassination Plot of Greek Journalist Kostas Vaxevanis”, posted 3 May 2021; “Journalist Camilla Tominey Receives Death Threats Online”, posted 28 June 2021; “Journalist Marko Vidojković Received Death Threat via Instagram”, posted 22 June 2021; “Cyprus Newspapers Receive Threats, Cyber-Attacks”, posted 14 June 2021; “Russian Journalist Timur Mazayev Receives Death Threats over Ossetia News Instagram Post”, posted 3 May 2021; “Bulgarian Businessman Threatens Investigative Journalist Dimitar Stoyanov with Death”, posted 14 April 2021; “Journalist Nadiya Lazzouni Threatened with Death”, posted 11 April 2021; “Journalist Esra Aygin Receives Death Threats after Criticising ‘Northern Cypriot President’ Ersin Tatar”, posted 18 January 2021; “Slovenian Journalist Erik Valenčič Receives Death Threat”, posted 29 September 2021; “Jiyan News Journalist Idris Yayla Receives Death Threats”, posted 28 September 2021.

perpetrated by unknown persons in writing and communicated online, with threats over the phone identified as a new trend in 2021. Though alerts on the issue predominantly concern the Russian Federation, Serbia, Cyprus, and Bulgaria, these acts point to a worrying level of media bashing across Europe which erodes journalists' freedom and lowers the bar for violence against the press.

■ The 2021 alerts report insults and reputational smears perpetrated by private parties, mostly in writing and via social media, but also in person and by news articles.¹¹³

■ Female journalists continued to be particularly targeted by online threats and abuse. Brussels-based journalist Tanja Milevska faced gender-based online trolling after she responded on Twitter to a misogynistic thread related to the gaming community. Since 29 December 2020, Milevska has received hundreds of messages from Twitter users. The messages included insults of a sexual nature; €1,000 were offered to anyone who would hack the journalist's Twitter profile.¹¹⁴ According to a 2021 UNESCO report, "The chilling: Global trends in online violence against women journalists," 73% of women journalists surveyed have been insulted, intimidated and threatened online in connection to their work.¹¹⁵

■ The 2021 alerts further document anonymous threats allegedly from extremist groups or individuals, mostly online, but also through anonymous phone calls and letters.¹¹⁶

113 Alerts "France 3 Regional Director Received Threats", posted 9 May 2021; "Threats on Montenegro Journalist Milka Tadic-Mijovic", posted on 19 August 2021; "Far-right Party Vox Issues Veiled Threat against Magazine Publisher", posted 12 July 2021; "Suspended Catholic Priest Holds Homophobic Tirade against Gazeta Wyborcza Journalist Piotr Żytnicki", posted 28 January 2021; "Journalist Philippe Carlot Accused of Supporting 'Islamic fascism'", posted 31 March 2021; "KRIK Targeted by Allegations of Links to a Criminal Group", posted 10 March 2021; "Online Video Advises NOS Journalists to 'Flee the Netherlands'", posted 26 January 2021; "Torrent of Online Abuse and Threats over Portuguese Journalists Pedro Coelho, José Silva and Andres Gutierrez", posted 6 January 2021; "Journalist Tanja Milevska Faces Online Smear Campaign on Twitter", posted 6 January 2021; "Swiss Journalist Cathy Macherel Faces Online Insults by Far-right Essayist", posted 17 September 2021.

114 Alert "Journalist Tanja Milevska Faces Online Smear Campaign on Twitter", posted 6 January 2021.

115 UNESCO, "The Chilling: Global trends in online violence against women journalists", at: <https://en.unesco.org/publications/thechilling>.

116 Alerts "Russian Journalist Vasily Vaysenberg Threatened", posted 30 March 2021; "Parcel and Threatening Letter Found Outside VLT Premises", posted 11 February 2021; "Spoofing Campaign against Maltese Blogger Manuel Delia, NGO Repubblika and News Websites", posted 31 August 2021; "Journalist Isabelle Kersimon Targeted by Online Attacks", posted 4 June 2021; "Anonymous Telegram Channel Publishes Financial Information of Russian Journalist Elena Solovyova", posted 18 February 2021; "TV Programme Cancelled Due to 'Serious Threat' against the Editorial Office", posted 13 July 2021.

Internet platforms and state authorities are slow in securing accountability for online attacks, even when formal complaints were filed. Smear campaigns sometimes used elaborate online techniques such as spoofing (the criminal act of disguising behind trusted email accounts). In August 2021, spoofing attacks were carried out against the Maltese blogger Manuel Delia, the Maltese NGO Repubblika and the news websites Newsbook, Net News, Lovin Malta, TVM and StradaRjali. Malta's Prime Minister Robert Abela eventually condemned the growing disinformation campaign.¹¹⁷

Eleven alerts on insults and smear campaigns confirm that verbal attacks performed by representatives of public authorities, including active heads of government and state, persist. On 24 May 2021, the Chairman of the Presidency of Bosnia and Herzegovina, Milorad Dodik, threatened journalist Tanja Topic and her family in a statement to the SRNA news agency from Republika Srpska, calling her "an agent of the German foreign intelligence service".¹¹⁸ The number of alerts on the issue in Slovenia has risen significantly in 2020 and 2021. On 6 June 2021, Prime Minister Janez Janša tweeted that the Council of Europe Commissioner for Human Rights, Dunja Mijatović, is "part of #fakenews network" in a comment on her recent memorandum on freedom of expression and media freedom in Slovenia.¹¹⁹

Administrative harassment

The 2021 alerts document fines issued on media outlets in the Russian-occupied Crimea and Turkey, a ban of a news website and broadcasting suspension for several TV channels by presidential decree in Ukraine, withdrawal of accreditation for critical media in the Czech Republic and Albania, the expulsion of a journalist from Russia, and restricted access to a public building and officials in Albania.¹²⁰

117 Alert, "Spoofing Campaign against Maltese Blogger Manuel Delia, NGO Repubblika and News Websites", posted 31 August 2021.

118 Alert, "Journalist Tanja Topic Threatened by Chairman of the Presidency of Bosnia and Herzegovina", posted 28 May 2021.

119 Alert, "Prime Minister Janša Attempts to Discredit Commissioner for Human Rights Report on Media Freedom in Slovenia", posted 11 June 2021.

120 Alerts "Crimean Court Fines Chief Editor of Qirim Newspaper", posted 23 April 2021; "Radio Television High Council Fines TV Channels over Wildfire Coverage", posted 9 September 2021; "Ukrainian News Website Strana.ua Banned", posted 25 August 2021; "TV Channels 112 Ukraine, NewsOne and ZIK TV Suspended by Presidential Decree", posted 5 February 2021; "The Presidency of the Czech Republic excludes five media from its communication", posted 28 May 2021; "Albanian PM Censors Questions from Kosovo Journalists during Merkel Press Conference", posted 15 May 2021; "Journalists to Face New Movement Restrictions Inside Parliament", posted 11 June 2021; "BBC Journalist Sarah Rainsford to be Expelled from Russia", posted 17 August 2021.

■ In Turkey, the Radio and Television Supreme Council (RTÜK) continued to issue fines as a tool to silence critical and independent media content. In August, RTÜK notably imposed sanctions on six television channels in response to their coverage of wildfires in the country. On 24 December, RTÜK opposition member İlhan Taşçı announced on his social media account that in 2021, Turkey's broadcast regulator had imposed 71 fines amounting to TL 21.5 million (€1.6 million) on television channels critical of the government.¹²¹

¹²¹ Expression interrupted, "Freedom of expression and the press in Turkey", 26 December 2021, at: <https://www.expressioninterrupted.com/freedom-of-expression-and-the-press-in-turkey-325/>.

Public Service Media

■ The Public Service Media's (PSM) role has long been recognised by the Council of Europe.¹²² Their values (universality and diversity), their editorial guidelines (which include impartiality and accuracy)¹²³ and their standards related to their remit, funding and governance, including in the online and platform environment, should make them indispensable institutions in truly democratic societies. Well-funded, independent PSM are generally associated with healthy democracies.

■ PSM in almost all parts of Europe faced in 2021 a new wave of pressures that threatened or undermined editorial independence. Public criticism and displays of antagonism to public media during the Covid-19 pandemic amplified that trend, as PSM, although considered as the most trusted news brands in many European countries, were frequently accused of political bias or blamed for delivering unwelcome news and information.

■ According to the Media Pluralism Monitor 2021, the number of countries where the independence of governance and funding of Public Service Media is at risk (out of 32 countries covered) rose from twelve in 2020 to fifteen in 2021.¹²⁴

■ In addition to the general rise in public hostility against journalists at protests and street events, Public Service Media have faced concerted threats to their long-term viability as governments moved to curtail their editorial independence, assert political control over their governance and deny the funding needed to adequately serve the public. They have also been challenged by a changing regulatory environment and the dominance of global tech platforms.

■ In March 2021, in the Czech Republic the electoral Committee of the Chamber of Deputies presented a shortlist of candidates, all of whom were affiliated with the ruling party, for the governing body that oversees public service broadcasting, in clear disregard for the Act on Czech Television, which enshrines political independence. By the end of 2021, though, new amendments were in discussion to better protect PSM from political interference.¹²⁵

¹²² Council of Europe, Public service media webpage, at: <https://www.coe.int/en/web/freedom-expression/public-service-media>.

¹²³ European Broadcasting Union, "Public Service Values, Editorial Principles and Guidelines", 22 August 2014, at: <https://www.ebu.ch/guides/public-service-values-editorial-principles>.

¹²⁴ Centre for Media Pluralism and Media Freedom, "MPM2020 Executive Summary", at: <https://cmpf.eui.eu/mpm2020-executive-summary/>, <https://cmpf.eui.eu/mpm2021-results/>.

¹²⁵ International Press Institute, "After Czech elections, new push for public media independence (HlídacíPes)", 1 December 2021, at: <https://ipi.media/after-czech-elections-new-push-for-public-media-independence/>.

■ In Ukraine, after the Deputy head of government criticised the “lack of neutrality” of the national broadcaster UA:PBC, the government proposed to change the structure of its supervisory board and appointed the chair of the board itself, a move which, as the Platform partners stated in an alert, “could challenge its independence and expose UA:PBC’s editorial policy to political influence”. Following the international community’s protest, this project was abandoned. The process of transformation from state broadcaster to public service media is well advanced, but its sustainable funding has yet to be established.¹²⁶

■ Even in countries which formally adhere to European standards of public media independence, political parties in government have used public broadcasting to denigrate their opponents and seek to mould public opinion to help them win elections.

■ The ruling Law and Justice (PiS) party in Poland took firm political control over public service media soon after it first took office in 2015. In December 2021, a group of critical members of Polish Television (TVP)’s advisory Programme Council lodged a formal protest to the media regulator KRRiT against what they said was the national broadcaster’s consistent pro-government bias, in violation of a legal obligation to “pluralism, impartiality and moderation”. A notable example was that TVP news bulletins repeatedly broadcast video clips of the centre-right opposition leader Donald Tusk, a former head of the European Council, speaking the words “für Deutschland”. The extract was lifted from an unrelated speech made many years before but was used to reinforce a partisan narrative that Tusk was a German stooge intent on establishing Germany’s dominance over Poland.¹²⁷ The ruling party also tried without success to introduce legislation banning foreign ownership of Polish media (see the section on Restrictive Legislation).

■ All EBU-affiliated public broadcasters of the CoE member states formally subscribe to the core PSM principles of universality, impartiality and accountability, but a number of them have the character of “state media”. During 2021 the entire executive board of the Turkish Radio and Television Corporation (TRT) was replaced by presidential decree, consolidating the existing pro-government bias of its output.¹²⁸

126 Alert, “Independence of the Public Broadcaster’s Supervisory Board Challenged”, posted 11 June 2021.

127 Euractiv, “Juncker says ‘unacceptable’ to link Tusk to Hitler and Stalin in Poland”, 7 May 2019, at: <https://www.euractiv.com/section/elections/news/juncker-says-unacceptable-to-link-tusk-to-hitler-and-stalin-in-poland/>.

128 Public Media Alliance, “Turkey: Mission finds continued pressures on independent media”, 12 October 2021, at: <https://bit.ly/3KTS3ra>.

■ PSM journalists were particularly vulnerable to verbal or physical attacks at public protests and demonstrations. Anti-vaccine protesters stormed the RTV Slovenia newsroom, BBC journalists faced death threats by protesters and the political editor of BBC's Newsnight had to flee from angry anti-lockdown activists. A reporting team from France 3 was assaulted and their cameraman injured when they covered a rally against Covid-19 mitigating measures; journalists from France 2 were kicked and chased by a crowd at a Marseille protest. In Austria, the ORF staff were instructed not to wear the company logo nor to introduce themselves as working for the PSM when reporting on Covid-19 demonstrations.

■ In Georgia, film crews working with the PSM were attacked and verbally harassed while reporting on street clashes. During an anti-LGBTQI+ protest on the fringe of the 2021 Tbilisi Pride several journalists were assaulted and a cameraman of the Georgian Public Broadcaster required hospital treatment.¹²⁹ An ARTE TV crew was detained and prosecuted after entering the Poland/Belarus border area, conducting interviews about the state of emergency and plight of migrants.¹³⁰

■ In addition to physical attacks, online threats have been increasing. NOS employees and journalists were "advised" to flee the Netherlands because "something would be done to them".¹³¹ In Belgium, a RTBF journalist was subject to insults on Facebook and Twitter, where he was accused of supporting "Islamic fascism".¹³²

■ A strong chilling effect is exerted on PSM when state officials upbraid journalists from national outlets. The Croatian President Milanovic called a HRT journalist a "trickster", a "mercenary", and "an embarrassment for the country".¹³³ A Serbian far-right politician Vojislav Šešelj took to task a RTRS woman journalist, making insulting allegations about her private life¹³⁴ and the Slovenian Prime Minister Janez Janša accused the correspondent of German ARD of Nazi-style propaganda.¹³⁵

129 Alert, "Over 50 Journalists Attacked During Pride March in Tbilisi", posted 5 July 2021.

130 Alert, "ARTE TV Crew Detained and Prosecuted after Entering Poland/Belarus Border Area", posted 8 October 2021.

131 Alert, "Online Video Advises NOS Journalists to 'Flee the Netherlands'", posted 26 January 2021.

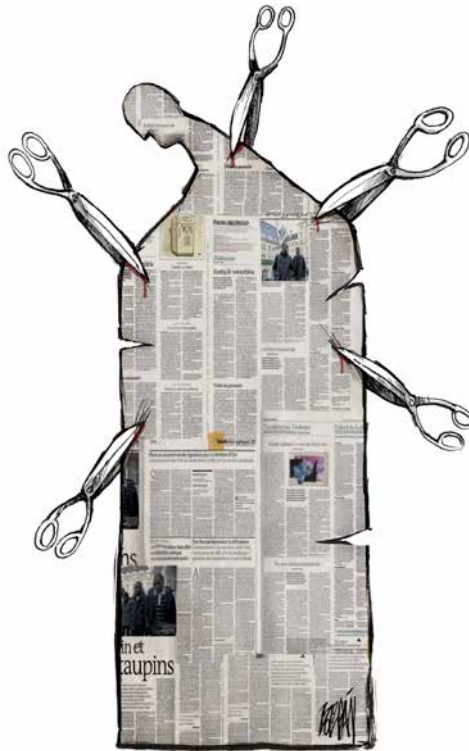
132 Alert, "Journalist Philippe Carlot Accused of Supporting 'Islamic fascism'", posted 31 Mars 2021.

133 Alert "Croatian President Milanovic verbally attacked HRT journalists", posted 11 May 2021.

134 Alert "RTRS Journalist Nataša Miljanović-Zubac Verbally Abused by Serbian Politician", posted on 4 February 2021.

135 Alert "Slovenian Prime Minister Accuses ARD Correspondent Nikolaus Neumeier of Nazi-style Propaganda after Criticism", posted 14 April 2021.

Media capture and concentration of ownership



Boligán (Mexico) / Cartooning for Peace

■ The state capture of media enables governments to take indirect control over editorial positions in newsrooms without having to use force, raid newsrooms or jail critical journalists. State capture of media therefore can take place under the radar prompting very few media freedom alerts that can draw attention to a phenomenon which dramatically impairs press freedom and media pluralism.

■ Russia, Azerbaijan, and Turkey have practiced an extreme form of media capture, having long ago established an all-dominant media propaganda sector made up of state media but also of nominally independent commercial companies that are all, in practice, part of an arm's length state communications

apparatus. A small independent sector eking out a living on the periphery of public debate is tolerated to maintain the semblance of media pluralism, although in the Russian Federation, even this is now threatened with the listing of key independent media outlets as foreign agents in 2021.¹³⁶

■ Turkey's broadcasting regulator, the Radio and Television Supreme Council (RTÜK), was accused of systematically breaking its legal obligation to act impartially by imposing punitive and disproportionate sanctions on independent television and radio stations critical of the government while failing to act against transgressions by pro-government media.¹³⁷

■ A study by Turkey's independent Media Ownership Monitor found that eight of the ten most read daily newspapers in the country belong to owners affiliated with the government; and according to Reporters Without Borders (RSF), 85% of the national media in Turkey is owned by pro-government businessmen.¹³⁸

■ In November 2021, Ukraine's Kyiv Post, a leading source of independent news and information, was abruptly closed following a dispute over editorial independence. The journalists however quickly struck back relaunching themselves in December under the new title Kyiv Independent.¹³⁹

■ 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.

■ In 2021 the Fidesz party-controlled media council refused to renew the licence of Hungary's last major independent radio station, Klubrádió, and the High Court rejected its appeal in September. The ruling was made despite the European Commission launching an infringement procedure against Hungary for violating EU Telecoms rules in its "discriminatory" treatment of Klubrádió¹⁴⁰

136 Alert "Dozhd TV and IStories Tagged as 'Foreign Agents', posted 8 September 2021.

137 Stockholm Centre of Freedom, "Turkey's broadcasting watchdog fines stations critical of gov't \$1.84 million in 2021", 24 December 2021, at: <https://stockholmcfr.org/turkeys-broadcasting-watchdog-fines-stations-critical-of-govt-1-84-million-in-2021/>.

138 Media Ownership Monitor Turkey, "Political Affiliations", at: <https://turkey.mom-rsf.org/en/findings/political-affiliations/>.

139 International Press Institute, "Ukraine: After sudden dismissal, ex-Kyiv Post staff regroup to launch Kyiv Independent", 24 December 2021, at: <https://ipi.media/ukraine-after-sudden-dismissal-ex-kyiv-post-staff-regroup-to-launch-kyiv-independent/>; Euractiv, "Kyiv Post shut down, entire staff fired without warning", 9 November 2021, at: <https://www.euractiv.com/section/digital/news/kyiv-post-shut-down-entire-staff-fired-without-warning/>.

140 International Press Institute, "IPI welcomes EU infringement proceedings against Hungary over silencing of Klubrádió", 9 June 2021, at: <https://ipi.media/ipi-welcomes-eu-infringement-proceedings-against-hungary-over-silencing-of-klubradio/>.

underlining how the politicisation of the judiciary often goes hand in hand with state capture of the media.

■ In Poland, the competition regulator UOKiK rushed to approve the takeover of regional media giant Polska Press by the state-controlled energy company PKN Orlen. A temporary freeze imposed on the sale after an appeal against the purchase on media pluralism grounds¹⁴¹ by the human rights ombudsman, then Adam Bodnar, did not stop a purge of independent editors.¹⁴² Polska Press was sold by the German Verlagsgruppe Passau reflecting another key ingredient to state capture, the flight – in some cases driven by the government – of foreign investors and their strategic replacement with government-friendly ones. Subsequent efforts to force the US Discovery corporation to sell its shares in TVN through the so-called lex-TVN law passed by Parliament in December, were eventually vetoed by the President after intense pressure from the US.¹⁴³

■ The Czech government of Andrej Babiš, the billionaire businessman, has long used his ownership of the country's dominant media company, Mafra, to generate favourable coverage and influence other oligarch-owned media. In the spring of 2021, it moved against the independence of the public broadcaster, Czech TV, by attempting to impose political appointments to the board in breach of representational requirements.¹⁴⁴ The ANO (the party founded by Andrej Babiš) defeat in the November elections provides a rare opportunity to strengthen the safeguards against media capture.¹⁴⁵

■ The Slovenian government of Janez Janša starved the state news agency¹⁴⁶ of funding for nine months until it signed a restrictive new contract that increased government oversight through its communications office. Separately, the ruling SDS party faced accusations of politicised meddling in newsrooms

141 International Press Institute, "Poland: PKN Orlen media purchase violates EU merger rules and media pluralism standards", 14 June 2021, at: <https://bit.ly/3wc0hqy>.

142 International Press Institute, "Poland: Purge of editors begins despite court ruling suspending purchase of Polska Press", 30 April 2021, at: <https://bit.ly/3thz6su>

143 International Press Institute, "Poland: Veto of 'lex-TVN' a victory for media freedom", 10 January 2022, at: <https://ipi.media/poland-veto-of-lex-tvn-a-victory-for-media-freedom/>

144 International Press Institute, "Concerns over increasing meddling in independence of Czech public broadcaster", 1 April 2021, at: <https://ipi.media/concerns-over-increasing-meddling-in-independence-of-czech-public-broadcaster/>.

145 International Press Institute, "After Czech elections, new push for public media independence (HlídacíPes)", 1 December 2021, at: <https://ipi.media/after-czech-elections-new-push-for-public-media-independence/>.

146 Alert "Slovenian Press Agency (STA) under Financial Pressure from the Government", posted 13 April 2021.

via the dismissal of news editors while recent changes to programming at RTV Slovenia drew staff protests and accusations of political interference.¹⁴⁷

■ The misuse of government funds to boost pro-government propaganda channels is endemic in Hungary and Poland and increasingly in Slovenia. It has also been openly abused in Greece.¹⁴⁸ In Austria, the allocation of government ads to media based on political favouritism rather than quality has long been an issue of concern. Allegations over the use of public money to purchase favourable coverage for the former Austrian Chancellor Sebastian Kurz led to his abrupt departure in October.¹⁴⁹ The true extent of the problem is difficult to assess as details of public contracts hide behind “commercial confidentiality” and a lack of transparent auditing of public accounts.

147 International Press Institute, “Slovenia: Concerns over controversial changes to RTV programming”, 25 November 2021, at: <https://ipi.media/slovenia-concerns-over-controversial-changes-to-rtv-programming/>.

148 Alert “Critical Greek Media Excluded or Side-Lined from State Funding Package during Covid-19”, posted 23 July 2020.

149 Politico, “Austria’s Sebastian Kurz steps down amid corruption probe”, 9 October 2021, at: <https://www.politico.eu/article/austrias-sebastian-kurz-resigns/>.

Pegasus spyware used to target journalists in Europe



Rayma (Venezuela) / Cartooning for Peace

■ Surveillance has a major impact on journalism. It increases journalists' vulnerability as they may constantly be traced by state or non-state actors. It threatens the confidentiality of their sources who, in turn, may be deterred from speaking with the media. It also forces them to adopt burdensome security protocols and use sophisticated and expensive technology and equipment.

■ Journalists from the Pegasus Project — more than 80 reporters from seventeen media organisations in eleven countries coordinated by Forbidden Stories with the technical support of Amnesty International's Security Lab — published in July 2021 information about an unprecedented leak of more than 50,000 phone numbers selected for surveillance with Pegasus, a spyware sold by Israeli company NSO Group. CoE member states - Azerbaijan, Hungary and Poland¹⁵⁰ - were mentioned in the investigation as having used this technology to spy on journalists.

¹⁵⁰ The Guardian, "More Polish opposition figures found to have been targeted by Pegasus spyware", 17 February 2022, at: <https://www.theguardian.com/world/2022/feb/17/more-polish-opposition-figures-found-to-have-been-targeted-by-pegasus-spyware>.

■ NSO claimed that it rigorously vets its customers' human rights records before allowing them to use its spy tools.¹⁵¹ However, these revelations show how this technology has been systematically abused to spy on journalists, human rights defenders, academics, lawyers, diplomats, politicians and several heads of states.

■ In September, the United Nations Commissioner for Human Rights, Michelle Bachelet, delivered a statement on the implications of the Pegasus revelations to a hearing of the Committee on Legal Affairs and Human Rights of the Council of Europe's Parliamentary Assembly. Ms Bachelet stressed the need for states to respect international human rights standards which require that surveillance measures must be based on law and can only be justified in narrowly defined circumstances in pursuit of a legitimate goal. Government hacking at the scale reported could never meet these criteria, she said. And states have a duty not only to refrain from these abuses but also to protect individuals by means of robust legislation and institutional regimes such as those outlined in the UN Guiding Principles for Business and Human Rights.¹⁵²

■ Revelations about the specific use of the Pegasus spyware against journalists started as early as 2017, when a report¹⁵³ published by Article 19 and other organisations began sounding the alarm after Pegasus was used to spy on Mexican journalists. The private messaging service WhatsApp also revealed in 2019 that over 1,400 users had been targeted. Apple, more recently, also revealed that some of its users had been under surveillance through the NSO spyware.

■ According to the Pegasus Project's investigation, journalists from several Council of Europe member States have been targeted by surveillance with Pegasus, in particular Azerbaijani, Belgian, British, French, Hungarian and Spanish journalists. Some of these journalists have probably been spied on by countries outside the Council of Europe - in particular Morocco, which allegedly spied on French and Spanish journalists, even though the Kingdom vehemently denies these allegations, including by suing any media that dares to formulate such accusations. A Belgian journalist specialised in the Great

151 The Guardian, "EU commissioner calls for urgent action against Pegasus spyware", 15 September 2021, at: <https://www.theguardian.com/news/2021/sep/15/eu-poised-to-tighten-privacy-laws-after-pegasus-spyware-scandal>.

152 Office of the UN High Commissioner for Human Rights, "Committee on Legal Affairs and Human Rights, Parliamentary assembly Council of Europe Hearing on the implications of the Pegasus spyware", 14 September 2021, at: <https://www.ohchr.org/FR/NewsEvents/Pages/DisplayNews.aspx?NewsID=27455&LangID=E>.

153 Article 19, "Mexico: Pegasus revelations prompt fresh calls for truth", 20 July 2021, at: <https://www.article19.org/resources/mexico-pegasus-revelations-prompt-fresh-calls-for-truth/>.

Lakes region of Africa was also informed by Belgium's military intelligence that his phone had been compromised.

■ Member states of the Council of Europe have acknowledged having made use of the Pegasus spyware. Among them is Hungary, where the consortium of journalists¹⁵⁴ published details of at least five journalists who are thought to have been among the targets. Germany also recognised that its federal intelligence services used the spyware. Frank Überall, the chairman of the German Journalists' Association, asked "whether journalists were spied on without their knowledge, whether their sources are still safe." But he did not receive an answer.¹⁵⁵ Azerbaijan is also likely to have used Pegasus software against its own nationals, including several journalists. In December 2021, 82 international organisations published a joint letter urging the EU to take targeted sanctions against NSO Group. A number of organisations and media have also started legal actions to ensure these alleged intrusions will be seriously investigated and prosecuted.

■ Civil society organisations around the world have called for a much stricter international regulation of the use and export of spyware. On 25 March, the EU adopted a Regulation on the export of dual-use surveillance technology by EU-based companies. The legislation sought to prevent human rights harm, including in third countries where journalists are targeted and under surveillance because of their work. Some civil society groups welcomed the introduction of some of the measures, but also expressed disappointment that the text was not more ambitious and did not include clearer and stronger conditions on EU member states and exporting companies to implement the new rules.

154 Hungary Today, "Orbán Gov't Accused of Using 'Pegasus' Spyware Against Political Opponents, Journalists", 19 July 2021, at: <https://hungarytoday.hu/hungarian-journalists-pegasus-software-hungary/>.

155 Deutsche Welle, "German police secretly bought NSO Pegasus spyware", 7 September 2021, at: <https://www.dw.com/en/german-police-secretly-bought-nso-pegasus-spyware/a-59113197>.

Kosovo*

■ Kosovo* is not a member of the Council of Europe and therefore not a member of the Platform but press freedom developments there deserve attention. On 6 December 2021, the parliament voted and approved the new board of the public broadcaster Radio Television of Kosovo. The recruitment process and composition were praised nationally and internationally. ECPMF, IPI and EFJ welcomed the selection and called it “principled & professional selection process”. The board is currently reviewing the work of the management and addressing allegations of financial irregularities and censorship.

■ During 2021, the Association of Journalists of Kosovo* registered 29 cases of threats and other media freedom violations at SafeJournalists platform.¹⁵⁶ These cases include physical attacks, legal threats initiated by prosecutors, and smear campaigns.

■ Impunity in cases of assassinated journalists continues (see box below). There was no meaningful progress on investigations of journalists killed between 1998 and 2005.

■ Kosovo* should be added to the Platform to enable the partners to compile and disseminate information on serious concerns about media freedom and safety of journalists in that country. In addition, cases from Southeast Europe, including impunity cases, require regional collaboration and therefore Kosovo’s* participation would help countries in the region to join forces in resolving cases.

156 Safejournalists.net webpage, at: <https://safejournalists.net/sulmet-ndaj-gazetareve/?lang=ks>.

Impunity for the killings and disappearances of Serbian and Albanian journalists 1998-2005

Between 1998 and 2005 there were 20 killings, kidnappings and disappearances of Serbian, Albanian and foreign journalists and media actors. In nineteen of these cases, no one was held accountable. They include:

- Journalist Ismail Bërbatovci, disappeared in July 1998;
- Serbian journalists Ranko Perenić and Đuro Slavuj, disappeared in August 1998 when they were working for Radio Pristina;
- Journalist Nebojša Radošević and photographer Vladimir Dobričić, kidnapped in October 1998;
- Journalist Afrim Maliqi, murdered in December 1998;
- Journalist and head of the Kosovo* Information Center Enver Maloku, murdered in January 1999;
- RTP Journalist Haki Braha, killed in March 1999;
- Correspondent for the Serbian daily Politika Ljubomir Knežević, disappeared in May 1999;
- Stern journalists Gabriel Grüner, Volker Krämer and translator Senol Alit, murdered in June 1999;
- Journalist Aleksandar Simović Sima of Media Action International, murdered in August 1999;
- RTV Pristina Editor Krist Gegaj, murdered in September 1999;
- Photojournalist Momir Stokuća, murdered in September 1999;
- Rilindja journalist Shefki Popova, murdered in September 2000;
- Journalist Marjan Melonaši, disappeared in September 2000;
- Bota Sot journalist Xhemal Mustafa, murdered in November 2000;
- Bota Sot photojournalist Bekim Kastrati, murdered in October 2001;
- Bota Sot journalist and columnist Bardhyl Ajeti, murdered in June 2005.

Decisive action by states against impunity for crimes against journalists and media workers, including those committed many years ago, is essential for the administration of justice and for the further protection of media professionals. Bearing this in mind, the partners of the Platform support the call for an international commission of experts to investigate the killings and disappearances of these journalists and media workers in Kosovo*. The partners also call on the European and international bodies to monitor and inform the public about investigations into these killings and disappearances.

Belarus

■ Belarus remains outside the Platform's alert system. However, given the escalation of the crackdown on media freedom in the country, following the August 2020 presidential election and the mass protests that followed, the partner organisations of the Platform have decided to include Belarus in the annual report, urging forceful action from the international community to stop the fierce repression of journalists by the Belarusian authorities.¹⁵⁷

■ In 2021, BAJ (Belarusian Association of Journalists) reported 112 cases of detention of journalists, six journalists who suffered extreme violence from security forces, and 29 journalists sentenced to administrative arrests. All these actions highlight the will to intimidate independent media and journalists, many of whom were forced into exile. They cannot, under any circumstances, be reasonably considered as responses to the disruption of public order.

Criminal prosecutions

■ On 18 February 2021, two Belsat journalists¹⁵⁸ were sentenced to two years' imprisonment after they live-streamed from a rally against the death of a protester in November 2020.¹⁵⁹

■ On 2 March 2021, the Moskovsky District Court of Minsk sentenced TUT.BY journalist Katsiaryna Borisevich to six months in prison for divulging medical secrets, after she had contradicted official statements about the death of a protester who the authorities suggested was drunk at the time.

■ On 2 August 2021, the Ivanovo District Court sentenced Pergi Region Drogichinsky correspondent Sergei Gordievich to one and a half years in prison for "insulting Lukashenko" and "defaming police officers", in a discussion on the social network Telegram.¹⁶⁰

■ On 18 May 2021, the Financial Investigations Department of the State Control Committee searched the offices of the biggest independent Belarusian news site TUT.BY as well as homes of staff members. The searches followed the instigation of a criminal case for alleged tax evasion on a particularly large

¹⁵⁷ Reporters Without Borders, "Report on persecution of journalists and mass media in Belarus, August 1, 2020 - July 1, 2021".

¹⁵⁸ Daria Chultsova and Katsiaryna Andreyeva.

¹⁵⁹ Reporters Without Borders, "Two-year jail terms signal bid to crush all independent journalism in Belarus", 19 February 2021, at: Two-year jail terms signal bid to crush all independent journalism in Belarus | RSF.

¹⁶⁰ Belarusian Association of Journalists, "Зняволенага журналіста 'Першага Рэгіёна' Сяргея Гардзіевіча адправілі ў калонію ў Шклоў", 27 October 2021, at: <https://bit.ly/3q9q5Am>.

scale. To date, fifteen journalists, employees and former employees of TUT.BY and its partner companies are in pre-trial detention. On the same day, the Ministry of Information decided to restrict public access to TUT.BY and its mirror websites, before labelling as “extremist materials” the portals and their social media pages later in August. On 7 October 2021, the Investigative Committee opened a case against TUT.BY management and employees for “incitement of racial, national, religious or other social enmity or hatred committed by a group of persons”, that provides for up to twelve years in prison.¹⁶¹

■ Others are expecting trials. More than 30 media workers have been detained in connection with a criminal case in 2021.

Hijacking as a method of arrest

■ On 23 May, the Belarusian government acted in clear breach of civil aviation regulations by forcing a Ryanair flight from Athens to Vilnius to land in Minsk and arresting the former chief editor of the NEXTA telegram channel Raman Pratasevich at Minsk National Airport. Pratasevich, whose name was on Belarus’ national list of wanted terrorists, was first held in pre-trial detention centre No. 1 in Minsk and then allegedly transferred to house arrest at an unknown location. He was subjected to at least three forced public confessions, according to his parents.¹⁶²

■ On 1 October, the Komsomolskaya Pravda (KP) in Belarus reporter Gennady Mozheiko was arrested in Belarus. He was detained for an article on the KP website in which he quoted kind words about Andrei Zeltser from one of his former classmates. Zeltser was shot dead during the storming of his apartment, after he shot a KGB officer, according to the official version. The article was only online for a few minutes before the publication decided to take it down. In spite of that, the Belarusian authorities blocked the website a few days later.¹⁶³

¹⁶¹ Reporters Without Borders, “Belarus tries to silence the most popular independent news site”, 19 May 2021.

¹⁶² Reporters Without Borders, “Belarusian media nightmare brings number of detained journalists to 24”, 25 May 2021 ; “In complaint filed in Lithuania, RSF accuses Lukashenko of hijacking with terrorist intent”, 25 May 2021 ; “We welcome opening of criminal investigation in Lithuania in response to our complaint against Lukashenko”, 27 May 2021 ; “RSF provides Lithuanian prosecutors with more evidence in support of hijacking complaint against Belarus”, 6 July 2021 ; “UN experts will examine the arbitrary detention of journalist Raman Pratasevich”, 28 July 2021 ; “Six months after Raman Pratasevich’s arrest, “extremism” charge increasingly used against Belarusian media”, 23 November 2021.

¹⁶³ Belarusian Association of Journalists, “Адвакат журналіста Генадзя Мажэйкі: ‘Ён здаровы, бадзёры’”, 16 November 2021, at: <https://bit.ly/3qazRS2>.

Violence

■ On 12 May 2021, journalists Aliaksandr Burakou (Deutsche Welle) and Uladzimir Laptsevich (6tv.by) were detained in Mahiliou, while covering criminal prosecution of opposition activists. Both journalists were sentenced to 20 days arrest for alleged “repeated participation in an unauthorised event within a year”, solely on the basis of the testimony of a police officer. In jail, as they testified in court, they slept “on bare boards” for 20 days and were woken up twice a night. In the daytime they were taken out into the corridor, forced to strip naked and stand near the wall with their legs far apart. The officers would hit them on their legs if not stretched far enough.¹⁶⁴

Searches and inspections

■ Police forces carried out dozens of raids on the homes of Belarusian journalists and offices of mass media in 2021, under a host of reasons: suspicion of storing so-called extremist information products; as part of criminal cases initiated against journalists; for alleged online insults of representatives of state bodies as well as of the president; as part of a criminal case for organising and preparing actions that grossly violate public order, or to seize the entire print-run of an issue. Among the media that faced this kind of pressure were Novy Chas, Virtualny Brest47, Hrodna.life, Newgrodnno.by, BelaPAN, Hantsavitski Chas, Hazeta Slonimskaya, KYKY.org, Narodnaya Volia, and the Belarusian Association of Journalists.¹⁶⁵

Dissolution of the Belarusian Association of Journalists

■ On 27 August 2021, the Supreme Court of Belarus ruled to liquidate the Belarusian Association of Journalists (BAJ), an independent media organisation of around 1,500 media workers that has been working since 1995. The Ministry of Justice accused the NGO of “repeated violations of the law”. The Ministry of Justice’s letters 9 and 16 June requested BAJ provide thousands of documents from 1 January 2018 – documents that it was unable to produce as a result of the confiscations and closures of its premises. The authorities also alleged that two of its local branches did not have legal addresses – a claim that BAJ denied.¹⁶⁶

¹⁶⁴ Reporters Without Borders, “Belarusian journalists report being tortured in prison”, 19 May 2021.

¹⁶⁵ Deutsche Welle, “Belarus: Police raid homes of journalists, activists”, 16 February 2021, at: <https://www.dw.com/en/belarus-police-raid-homes-of-journalists-activists/a-56587485>.

¹⁶⁶ Reporters Without Borders, “Support resistance by journalists after BAJ dissolution in Belarus”, 1 September 2021, ; “RSF amicus brief asks Belarusian Supreme Court to reject the liquidation of Belarusian Association of Journalists (BAJ)”, 10 August 2021.

Increasing charges of extremism

■ Since August 2021, thirteen media outlets¹⁶⁷ have been labelled “extremist”. Their journalists as well as their subscribers risk the possibility of criminal proceedings and of being sentenced to up to seven years in prison, even retroactively.¹⁶⁸

■ Other changes occurred in the regulatory framework that restricted the work of independent media. In May 2021, the Belarusian authorities adopted a number of laws aimed at creating obstacles to their work, which legitimise the repression, including Law n° 110-Z” on amendments to laws on mass media issues”.

Propaganda

■ The Belarusian public broadcaster BTRC (National State Teleradiocompany of the Republic of Belarus), which was suspended last May from the European Broadcasting Union (EBU) because of its broadcast of interviews apparently obtained under duress and other serious concerns,¹⁶⁹ continues to be a propaganda machine at the service of the regime.

■ At the time of the writing of this report, 25 journalists and 9 other media workers were arbitrarily detained in Belarus.¹⁷⁰

167 The most popular news site TUT-BY (now called Zerkalo), the sports news outlet Tribuna.com, the news agency Belapan, the exile media Belsat and Euroradio, the Belarusian service of Radio Free Europe/Radio Liberty Radio Svaboda, regional media such as Hrodna.life, Barysusiya Naviny, Ex-Press.by and Brestskaya Gazeta, the Telegram channels of the lifestyle magazine Kyky and of the online media outlet Beloruskiy Partizan.

168 Reporter Without Borders, “Six months after Raman Pratasevich’s arrest, “extremism” charge increasingly used against Belarusian media”, 23 November 2021.

169 European Broadcasting Union, “EBU Executive Board agrees to suspension of Belarus member BTRC”, 28 May 2021, at: <https://bit.ly/3Jg9vWo>.

170 Reporters Without Borders, Violations of press freedom barometer, at: <https://rsf.org/en/barometer>.

Journalists and media actors detained in Belarus	
<p>Katsiaryna Andreyeva (Belsat), Daria Chultsova (Belsat), Ksenia Lutschina (former journalist of Belarus 2), Andrei Alexandrov (journalist and media manager), Denis Ivashin (journalist with the weekly newspaper Novy Chas), Yasep Palubiatka (Gazeta Slonimskaya correspondent in Masty), Sergei Gordievich (Pergiy Region Drogichinsky correspondent), Andrzej Poczobut (TVP Polonia), Maryna Zolatava (TUT.BY editor-in-chief), Volha Loika (TUT.BY), Alena Talkachova (TUT.BY), Valeria Kastiousgova (Belaruskaya Shtogonika editor-in-chief), Yahor Martsinovich (Nasha Niva editor-in-chief), Aliaksandr Ivulin (Tribuna), Iryna Lewshyna (BelaPAN editor-in-chief and director), Gennady Mozheiko (Komsomolskaya Pravda In Belarus),</p>	<p>Dzmitry Navazhylau (BelaPAN former director), Aliaksandr Daineka (TUT.BY deputy director), Andrei Skurko (Nasha Niva), Iryna Slaunikava (Belsat), Andrey Kuznechyk (ex-RFE/RL), Siarhei Satsuk (Ezhednevnik editor-in-chief), Aleh Hruzdzilovich (RFE/RL), Eduard Palchys (1863x.Com), Ihar Losik (RFE/RL, RB Golovnogo Mozga Telegram channel), Raman Pratasevich (RB Golovnogo Mozga Telegram channel, under house arrest), and Iryna Kastsichenka (former lawyer at TUT.BY), Katsiaryna Tkatchenka (lawyer at TUT.BY), Andrei Audzeyau (manager at TUT.BY), Maria Novik (accountant at TUT.BY), Darya Danilava (director at Rocketdata and Tam.by), Ala Lapatka (chief engineer at TUT.BY), Iryna Rybalka (TUT.BY deputy director), Anzhela Asad (accountant at TUT.BY), Liudmila Chekina (TUT.BY general director).</p>

Institutional sections

Council of Europe

■ In June 2021 the Council of Europe's long-awaited conference of ministers responsible for the media brought public commitments by the member states to take steps to reverse what the Secretary General called "significant backsliding" over the protection of freedom of expression and other fundamental rights. She deplored the fact that more than 300 rulings by the European Court of Human Rights against states for violations of Article 10 of the European Convention, including wrongful imprisonment of journalists, have not been implemented.¹⁷¹

■ The Ministers adopted political resolutions, including on the safety of journalists, and a Final Declaration.¹⁷² They approved a plan to establish a legal framework for protection against abusive or vexatious legal threats; and to develop policies and mechanisms against disinformation, political manipulation of media, and harmful impacts on media freedom related to digital convergence and artificial intelligence.¹⁷³ At the conference, the Platform partners appealed for political leadership and an 'action-oriented and frank dialogue' between them and the Committee of Ministers to reverse the backsliding in Europe's record on press freedom. They asked the member states to use the Platform's findings as a reference point for setting the highest-priority goals in efforts to remove serious threats and barriers to media freedom. The speakers put forward a "blueprint for effective action for media and journalists' safety" based on the ten main recommendations set out in the Report – with special emphasis on improving protections for journalists at public events and protests, ending the criminalisation of journalism through repressive laws, rough, and doing whatever is necessary to stop the growing flood of abusive legal actions directed at investigative journalists.

■ In 2021 the Friends of Media Freedom group in Strasbourg grew to include a dozen Permanent Representatives of member states. In December, Council

171 Council of Europe, Report by the Secretary General, "State of democracy, human rights and the rule of law", May 2021, at: <https://www.coe.int/en/web/secretary-general/report-2021>.

172 Council of Europe, Documents of the Conference webpage, at: <https://www.coe.int/en/web/freedom-expression/media2021nicosia-conference-documents>.

173 Council of Europe, "Foreign Affairs Ministers set the Council of Europe's course for the next four years", 21 May 2021, at: <https://www.coe.int/en/web/portal/-/foreign-affairs-ministers-set-the-council-of-europe-s-course-for-the-next-four-year>.

of Europe announced that it would unveil details of a dedicated campaign of advocacy and engagement with state authorities, journalists' organisations and others across Europe, in order to raise awareness and promote effective actions that strengthen protections for journalism and remove the underlying causes of judicial impunity.¹⁷⁴

■ In line with the pledge, she made after her election in 2019, the Secretary General has prepared a series of in-depth thematic reports on topics related to media freedom and safety. They addressed Covid-19-related restrictions on the work of journalists,¹⁷⁵ the safety of journalists¹⁷⁶ and – in November 2021 – a report on three sources of special concern, namely the safety of media workers reporting on public protests; broadcasting and Internet bans; and abusive or vexatious lawsuits.¹⁷⁷

■ These detailed research and policy papers have provided the basis for a focused dialogue on issues of major concern related to freedom of expression which the Secretary General has scheduled with the Committee of Ministers. Representatives of the Platform partner organisations have also been invited to attend meetings with the Committee of Ministers for discussions on matters of concern.

European Union

■ The European Commission continued to implement its 2019 election commitments to put in place measures to better defend press freedom in EU Member States. Many of these reforms were still being elaborated; some fell under the broader set of commitments laid out in the December 2020 European Democracy Action Plan.¹⁷⁸ All will require engagement from member states in terms of implementation, and to ensure that they positively impact the lives and work of journalists around the bloc.

174 Council of Europe, CDMSI Steering Committee on Media and Information Society, at: <https://www.coe.int/en/web/freedom-expression/cdmsi>.

175 Council of Europe, "Respecting democracy, rule of law and human rights in the framework of the COVID-19 sanitary crisis", 7 April 2020, at: <https://bit.ly/37ApMHL>.

176 Council of Europe, "Safety of journalists", 4 February 2021, at: <https://rm.coe.int/safety-of-journalists/1680a15116>.

177 Council of Europe, "Current trends in threats to Freedom of Expression: interference with the coverage of public events, broadcasting bans and strategic lawsuits", 22 November 2021, at: <https://rm.coe.int/native/0900001680a4a958>.

178 European Commission, "European Democracy Action Plan: making EU democracies stronger", 3 December 2020, at: https://ec.europa.eu/commission/presscorner/detail/en/ip_20_2250.

■ The Rule of Law Mechanism,¹⁷⁹ the European Commission's tool for assessing, amongst other things, member state's upholding of media freedom and pluralism entered its second year. Whereas press freedom groups and journalists' organisations continued to contribute to the mechanism's annual report -country chapters on every member state- concerted efforts were made by civil society to call on the Commission to improve and reform the system so that it works effectively for journalists and press freedom advocates. The Commission did respond during the reporting period that public service media - previously excluded from the reporting- would be included in the 2022 report. The Commission also confirmed that the country reports would include recommendations that would allow press freedom and journalists groups to suggest clearer benchmarks around what steps the national authorities would need to take to improve the press freedom context in the respective member state.

■ The European Commission continued to undertake its planning to adopt anti-SLAPP measures, expected in 2022. Throughout the year, an Expert Group on SLAPPs, composed of legal experts, academics and civil society, continued to assess policy or legislative measures that the European Commission could implement to address the prevalence of these vexatious lawsuits. In addition, on 4 October, the Commission opened a public consultation¹⁸⁰ for individuals or groups affected by SLAPPs to provide evidence on the problem and to provide possible policy solutions. Statements from the European Commission have signalled that it will consider amending existing EU legislation on jurisdictional regimes and conflicts of law, notably Brussels I¹⁸¹ and Rome II,¹⁸² to halt the abuse of cross-border (transnational) SLAPP cases. Civil society continued to push for the European Commission to consider an anti-SLAPP Directive to harmonise member state legislation on addressing SLAPPs.

■ On 16 September, the European Commission presented its Recommendation on ensuring the protection, safety and empowerment of journalists and other

¹⁷⁹ European Commission, Rule of law mechanism webpage, at: <https://ec.europa.eu/info/policies/justice-and-fundamental-rights/upholding-rule-law/rule-law/rule-law-mechanism/>.

¹⁸⁰ European Commission, "EU action against abusive litigation (SLAPP) targeting journalists and rights defenders", at: https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13192-EU-action-against-abusive-litigation-SLAPP-targeting-journalists-and-rights-defenders/public-consultation_en.

¹⁸¹ European Parliament and Council, "Regulation (Eu) No 1215/2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters", 12 December 2012, at: <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32012R1215>.

¹⁸² European Parliament and Council, "Regulation (EC) No 864/2007 on the law applicable to non-contractual obligations (Rome II)", 11 July 2007, at: <https://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX%3A32007R0864>.

media professionals in the European Union.¹⁸³ It provided a series of proposals for member states, including ensuring effective investigation and prosecution of criminal acts against journalists; improving protection of journalists at protests or demonstrations; training for journalists and law enforcement bodies; strengthening online security of journalists and empowering female, minority journalists and those working on equality issues. The text called upon member states to report to the Commission, eighteen months after adoption, on all relevant information regarding measures and actions they have taken within the recommendation's framework. As it is a non-binding text, the press freedom community pressed the European Commission on how it seeks to provide impetus to member states to enact reforms. At the time of writing, the European Commission was considering both an implementation strategy and a study with key indicators to monitor the efforts of member states nationally. It remained unclear how the Council of Europe would work with the European Commission to coordinate its own efforts to implement the Council of Europe Recommendation CM/Rec(2016)4 on the protection of journalism and safety of journalists and other media actors which likewise includes a wide range of preventative protection measures and steps for improving state accountability.

■ At the end of the year, inter-institutional negotiations on the Digital Services Act and the Digital Markets Act, which make proposals for regulating digital services and digital markets, were scheduled to be completed by 2022. The Digital Services Act, a regulation and therefore a binding legislative act for all EU member states, is set to include more targeted and restrictive compliance responsibilities for big tech. The Digital Markets Act (also a regulation) should address the powerful role of big tech as the gateway between consumers and businesses. Press freedom and free speech advocates continued to push the EU institutions to make sure the Digital Services Act guarantees free speech online, respects users' private communication, and that content removal policies contain adequate time frames to limit the over-removal of legitimate online content -as well as binding guarantees on human rights in companies' terms and conditions, in line with the EU Charter of Fundamental Rights.

■ On 19 April, the Commissioner for the Internal Market Thierry Breton announced¹⁸⁴ the future elaboration of a European Media Freedom Act (EMFA).¹⁸⁵

183 European Commission, "Recommendation on the protection, safety and empowerment of journalists", 16 September 2021, at: <https://digital-strategy.ec.europa.eu/en/library/recommendation-protection-safety-and-empowerment-journalists>.

184 European Commission, "For a European Media Freedom Act", 19 April 2021, at: https://ec.europa.eu/commission/commissioners/2019-2024/breton/announcements/european-media-freedom-act_en.

185 European Parliament, Legislative Train Schedule, "European Media Freedom Act", at: <https://www.europarl.europa.eu/legislative-train/theme-a-new-push-for-european-democracy/file-european-media-freedom-act>.

The Commissioner stated that the Commission needed to act on the lack of transparency of media ownership and the lack of independence of media regulators, including by addressing the resilience of smaller media actors, their funding models, and reinforcing the governance of public media. The European Commission continued to reflect during the course of the year about the content of the EMFA; early indications suggest that the text will seek to limit political interference in the media by using internal market legislation to put forward measures to prevent media capture, to increase transparency in media ownership as well as strengthening the independence of regulators (building in part on the Audiovisual Media Services Directive).¹⁸⁶ In her State of the Union¹⁸⁷ address, Commission President Ursula von der Leyen confirmed that the legislation was expected for Autumn 2022, whilst also stating that “Information is a public good”. Public consultations to be launched by the Commission were pending at the time of writing.

■ Negotiations continued¹⁸⁸ on the proposed Regulation on European Production and Preservation Orders (E-evidence Regulation) which could allow internet companies who host sensitive information about journalists and their sources, to adjudicate whether or not to hand it to a foreign authority. Press freedom advocates continued to express concern about the lack of safeguards which would allow prosecutors to access data held by internet service providers in another EU member state without judicial oversight in the target country.

¹⁸⁶ Directive (EU) 2018/1808 of the European Parliament and of the Council, 14 November 2018.

¹⁸⁷ European Commission, “2021 State of the Union Address by President von der Leyen”, 15 September 2021, at: https://ec.europa.eu/commission/presscorner/detail/en/SPEECH_21_4701.

¹⁸⁸ European Parliament, Legislative Train Schedule, “European Production and Preservation Orders for Electronic Evidence in Criminal Matters”, at: <https://www.europarl.europa.eu/legislative-train/theme-area-of-justice-and-fundamental-rights/file-jd-cross-border-access-to-e-evidence-production-and-preservation-orders>.

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This publication presents the annual assessment of threats to media freedom in the Council of Europe's member states in 2021, by the partner organisations to the Safety of Journalists Platform.

The Platform was set up by the Council of Europe in 2015, in co-operation with prominent international NGOs active in the field of the freedom of expression and associations of journalists, to facilitate the collection and dissemination of information on serious threats to media freedom and safety of journalists in the Council of Europe's member states. The Platform enables the Council of Europe to be alerted in a timely and systematic way to these threats and to take co-ordinated and prompt action when necessary. Its objective is to improve the protection of journalists, better address threats and violence against media professionals and enhance the response capacity within the Council of Europe.

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

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