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Threats to media freedom and journalists' security in Europe

Report[1]
Committee on Culture, Science, Education and Media
Rapporteur: Lord George FOULKES, United Kingdom, Socialists, Democrats and Greens Group

Summary

It is unacceptable that, in the Europe of human rights, dozens of journalists are physically attacked, arbitrarily imprisoned and even murdered; those responsible for these crimes remain mostly unpunished. Threats, harassment, legal and administrative restrictions, and undue political and economic pressure against journalists are commonplace.

All Council of Europe member States must effectively guarantee the safety of journalists, create an environment conducive to freedom of the media and prevent the misuse of laws or normative provisions that may affect this freedom, without which there is no democracy. The right of journalists to protect their sources must be guaranteed; police violence against journalists must be condemned and sanctions against any infringement of the freedom of the media must be dissuasive.

The Council of Europe Platform to promote the protection of journalism and safety of journalists is an essential tool for alert and collaboration that helps to analyse the situation in the member States and to identify positive and negative trends. Member States must respond quickly and effectively to alerts issued by the Platform and co-operate with the latter in good faith.

1. Reference to committee: Doc. 14455, Reference 4391 of 25 June 2018.

Contents **Page**

A. Draft resolution[2]

1. Without the right to freedom of expression, and free, independent and pluralistic media, there is no true democracy. The Council of Europe and its Parliamentary Assembly are firmly committed to strengthening media freedom in all its aspects, including the right of access to information, the protection of sources, the protection against searches of professional workplaces and private domiciles and the seizure of materials, the safeguard of editorial independence and of the ability to investigate, criticise and contribute to public debate without fear of pressure or interference. The safety of journalists and other media actors is a fundamental component of this freedom.

2. Under the European Convention on Human Rights – in particular, but not only, its Article 10 – member States have a positive obligation to establish a sound legal framework for journalists and other media actors to work safely. However, threats, harassment, legal and administrative restrictions and undue political and economic pressure are widespread. Worse still, in some countries, journalists who investigate affairs involving corruption or abuse of power, or who merely voice criticism of political leaders and governments in power, are physically attacked, arbitrarily imprisoned, tortured or even murdered. In this respect, the Assembly also refers to its Resolution 2293 (2019) "Daphne Caruana Galizia's assassination and the rule of law in Malta and beyond: ensuring that the whole truth emerges".

3. According to the information published by the Council of Europe Platform to promote the protection of journalism and safety of journalists (the Platform), from 2015 to 25 November 2019, 26 journalists have been killed, including 22 cases where there has been impunity, and 109 journalists are currently in detention; 638 serious press freedom violations have been perpetrated in 39 countries. Threats on media freedom and the safety of journalists have become so numerous, repeated and serious that they are jeopardising not only citizens' right to be properly informed but also the stability and smooth functioning of our democratic societies.

4. The Council of Europe bodies, including the Parliamentary Assembly, must not only keep on advocating the development in all European countries and beyond of a safe environment for journalists and other media actors, but they must make use of all their leverage to prompt member States to remedy quickly and effectively any threats to media freedom, urging and supporting the reforms required to this aim.

5. Therefore, the Assembly calls on member States to protect more effectively the safety of journalists and media freedom. In this connection, they must:

5.1. fully implement Recommendation CM/Rec(2016)4 on the protection of journalism and safety of journalists and other media actors;

5.2. carry out effective, independent and prompt investigations into any crimes against journalists, such as killings, attacks or ill-treatment, and bring to justice authors, instigators, perpetrators and accomplices who are responsible under the law, ensuring that there is no impunity for attacks against journalists;

5.3. set up national mechanisms consistent with the UN Plan of Action on the Safety of Journalists and the Issue of Impunity, ensuring that such mechanisms are designed and implemented under strong political and operational leadership, with proper inter-agency co-ordination and in genuine partnership with civil society, notably journalists' associations and trade unions, and media freedom watchdog organisations;

5.4. fight on-line harassment of journalists, particularly female journalists and journalists belonging to minorities, and enhance the protection of investigative journalists and whistleblowers;

5.5. support the establishment of early-warning and rapid-response mechanisms, such as hotlines or emergency contact points, to ensure that journalists have immediate access to protection whenever they are threatened;

5.6. pay particular attention to the rising number of attacks on journalists and media outlets from groups of extremists and criminal organisations, and take appropriate preventive measures when journalists' life or safety is exposed to a real and immediate risk;

5.7. enhance the co-operation and exchange of information, expertise and best practices with other States whenever crimes against journalists involve cross-border or online dimensions;

5.8. back up laws protecting journalists with effective law enforcement apparatus and redress mechanisms for victims and their families;

2. Draft resolution adopted by the committee on 5 December 2019.

5.9. avoid arrest and extradition of journalists in exile to their countries of origin where they risk punishment and persecution.

6. The Assembly calls on member States to create an enabling and favourable media environment and review to this end their legislation, seeking to prevent any misuse of different laws or provisions which may impact on media freedom – such as those on defamation, anti-terrorism, national security, public order, hate speech, blasphemy or memory laws – which are too often applied to intimidate and silence journalists. In this connection, they must, in particular:

6.1. propose no penal sanctions for a media offence – especially prison sentences, closure of media outlets or blocking of websites and social media platforms – except in cases where other fundamental rights have been seriously impaired, for instance in the case of hate speech or incitement to violence; ensure that these sanctions are not applied in a discriminatory or arbitrary way against journalists;

6.2. recognise, and ensure respect of, the right of journalists to protect their sources, and develop an appropriate normative, judicial and institutional framework to protect whistleblowers and whistleblowing facilitators, in line with PACE Resolution 2300 (2019) "Improving the protection of whistleblowers all over Europe";

6.3. facilitate journalists' work in specific difficult contexts, such as in conflict zones or in public rallies;

6.4. firmly condemn police violence against journalists and establish deterrent sanctions in this respect;

6.5. develop specific training programmes for law-enforcement bodies and officials who are responsible for fulfilling State obligations concerning the protection of journalists;

6.6. avoid any misuse of administrative measures, such as registration or accreditation, and of tax schemes to harass journalists or apply pressure to them;

6.7. develop constructive, nondiscriminatory mechanisms of dialogue with media and journalists standing or *ad hoc* committees, bringing together politicians, judges, public prosecutors, police officers, journalists and editors, to discuss problems concerning journalists' security, and look for solutions in a collaborative framework, also paying specific attention to the need to ensure effective protection for investigative journalists, as well as to the higher vulnerability of women journalists and the particular vulnerability of freelancers.

7. The Assembly condemns the rise of aggressive behaviour and violent verbal attacks by political figures and representatives of the authorities against journalists and calls on all political leaders to combat this phenomenon.

8. The Assembly notes with concern that public service media have been under increasing pressure in most parts of Europe, suffering from funding cuts and new laws or regulations which limit their independence or reduce their remits. The Assembly reaffirms and commends the crucial role that public service media play in a democratic society and it calls again on member States to ensure their adequate and sustainable funding, editorial independence and institutional autonomy.

9. While the above-mentioned problems or at least some of them are observed in various proportions in most countries, the Assembly has to note that, concerning media freedom and safety of journalists, the situation in some member States is particularly worrying. In this context, the Assembly specifically calls on:

9.1. Azerbaijan to radically modify the actual hostile environment which seriously curtails media freedom and, in particular:

9.1.1. ban the abuse of penal legislation to silence independent journalists, who are today systematically threatened with unfounded criminal charges, trumped-up evidence and unjustified imprisonment;

9.1.2. review urgently all cases of imprisoned journalists and media professionals, and free all those who are detained without any serious and substantiated evidence of criminal activities;

9.1.3. refrain from the adoption of restrictive administrative measures, such as a travel ban on journalists, which limit their freedom to properly inform the public;

9.1.4. end legal harassment of independent news agencies, for example through false accusations of tax-evasion or under-declaring profits;

9.1.5. stop systematically blocking access to independent news websites;

9.1.6. stop any administrative and political pressure against the only independent news agency Turan and against the Institute for Reporters' Freedom and Safety (IRFS);

9.2. Hungary to immediately address the grave problem of media pluralism; the politically and economically biased licensing media conglomerate concentrating 78% of the Hungarian media closely associated with the ruling party is totally incompatible with freedom of expression and information;

9.3. Malta to:

9.3.1. urgently end the prevailing climate of impunity and implement PACE Resolution 2293 (2019). In this connection, the Assembly welcomes the recent announcement of revised terms of reference and composition of a public independent inquiry into the murder of Daphne Caruana Galizia, following the concerns set out in the Declaration of the PACE Committee on Legal Affairs and Human Rights;

9.3.2. as recommended by the Council of Europe's Commissioner for Human Rights, repeal any laws allowing the posthumous pursuit of defamation cases, targeting journalists, against their heirs. It is unacceptable that over 30 posthumous civil defamation proceedings against Daphne Caruana Galizia's family are still under way;

9.4. the Russian Federation – which holds the dubious record number of alerts on serious attacks against, and harassment and intimidation of, journalists – to immediately:

9.4.1. address the problem of violence against journalists, including murders, physical attacks and threats, arrests, imprisonment, on-line harassment; take remedial action to impede such crimes and put an end to the climate of impunity that encourages further attacks; those who carried out or ordered the crimes must be brought to justice;

9.4.2. prevent police violence against journalists, as has happened during July-August 2019 demonstrations in Moscow; apply deterrent sanctions against policemen who are responsible for such unacceptable misuse of power;

9.4.3. stop intimidation of journalists by way of arrests and imprisonment under forged accusations of drug dealing or other, in order to prevent journalistic investigations of corruption and misuse of power as in the case of the journalist Ivan Golunov;

9.4.4. cease abusing anti-terrorism laws to apply censorship to the media, as in the case of the journalist Svetlana Prokopyeva, who was charged with "publicly justifying terrorism" and could face up to seven years in prison, for expressing on-air her opinion about a teenage suicide;

9.4.5. review the terms of reference of the Russian federal media regulator, Roskomnadzor, to limit its excessive power in the monitoring and censorship of the media, including on-line media; the blocking of independent media outlets without any warning or explanation, as recently happened to the Fergana news website, is an action amounting to censorship that is incompatible with the freedom of the media;

9.4.6. modify the recent legislation on false news and disrespect for the state, the authorities and society, and bring it into line with the Council of Europe standards; general prohibitions on the dissemination of information based on vague and ambiguous ideas, including "false news" or "non-objective information", are incompatible with the provisions of the European Convention on Human Rights and must be abolished; they have a chilling effect of self-censorship on journalists and other media professionals and allow the government to silence any criticism against the ruling power, putting journalists and bloggers who oppose it in jail, and to determine the makeup of the media landscape by forcing media outlets to remove content identified by the authorities as "socially dangerous" or "disrespectful" or having their websites blocked;

9.4.7. stop discriminating against the main organisations defending the media by declaring them "foreign agents"; repeal the new bill adopted by the State Duma which extends the status of "foreign agents" to freelance journalists and bloggers receiving grants, salaries, or payment for specific pieces of work from any foreign source: marking with the "foreign agent" label the information published by independent journalists and bloggers will have a chilling effect on freedom of expression and of the media;

9.5. Turkey – the country which has the highest number of imprisoned journalists in the Council of Europe region – to immediately:

9.5.1. end abusing the penal code and anti-terrorism laws to silence media outlets and journalists: the latter are placed in arbitrary pre-trial arrest and detention, and are held for months, sometimes for years, before their cases come to court; the European Court of Human Rights has consistently condemned such detentions as a real and effective constraint on freedom of expression that leads to self-censorship;

9.5.2. in line with PACE Resolution 2121 (2016), repeal Article 299 (Insulting the President of the Republic), repeal or amend Article 301 (Degrading the Turkish Nation, the State of the Turkish Republic, the Organs and Institutions of the State) and ensure a strict interpretation of Article 216 (incitement to violence, armed resistance or uprising) and Article 314 (Membership of an Armed Organisation) from its penal code which, according to the Venice Commission, contains excessive sanctions and is too widely applied against freedom of expression and information;

9.5.3. ensure that the over 150 media outlets which were closed and the about 10 000 media employees which were dismissed after the failed coup in 2016 have access to effective domestic remedies and, if the case arises, obtain adequate compensation;

9.5.4. eliminate from the recently adopted legislation all provisions retained from the abolished emergency decrees that make it possible to apply radical measures against the media;

9.5.5. ensure that the newly introduced regulation empowering the Radio and Television Supreme Council to supervise internet media strictly abides by the case-law of the European Court of Human Rights;

9.5.6. revise the Internet Act in order to avoid unnecessary and unjustified blocking of access to internet resources on the grounds of “national security”;

9.5.7. in the framework of the announced Judicial Reform Strategy, focus on the protection of journalists’ safety and ensure, in that context, that meaningful steps be taken to expand freedom of expression and of the media and guarantee judicial independence, in line with Council of Europe standards.

10. The Assembly welcomes the constructive attitude that a number of member States have shown so far with regard to the Platform and the alerts published therein. As examples: France and Ukraine have set up response mechanisms to co-ordinate adequate follow-up to the alerts seeking to solve them. In the Netherlands, the public prosecution, the police authorities and media outlets concluded an agreement to adopt preventive measures and co-ordinate responses to instance of violence. Encouraging progress could be acknowledged in North Macedonia, where pressure and prosecutions against journalists have been significantly reduced.

11. With the hope that all member States will recognise the added value that the Platform represents and the importance of the contribution that its partners offer to the Council of Europe, the Assembly calls on member States to:

11.1. engage in an unreserved support and effective co-operation with the Platform, also contributing financially to its operation;

11.2. establish appropriate response mechanisms and provide substantive responses to the alerts posted in the Platform, looking for prompt remedial actions and adopting targeted measures to avoid repetitive cases;

11.3. consider how other member States are enhancing their collaboration with the partners of the Platform, seeking to follow positive examples and good practices;

11.4. support the development of other similar transnational technical platforms on which media professionals would be able to signal any threats to their security.

12. Finally, the Assembly calls on national parliaments to ensure that governments act in full respect of the Council of Europe standards concerning the right to freedom of expression, including media freedom and the safety of journalists. National parliaments must be the guardians of this right and ensure full engagement of the State apparatus at all levels: political, legislative, judicial, law enforcement and educational. In this connection, national parliaments should take more account of the Council of Europe work, and particularly

bring the recommendations of the Committee of Ministers, and PACE reports and resolutions, to the attention of their relevant committees, and build on these texts when drafting legislation relevant for media freedom and the safety of journalists.

B. Draft recommendation[3]

1. The Parliamentary Assembly, referring to its Resolution … (2019) on "Threats to media freedom and journalists' security in Europe", recalls that the right to freedom of expression and free, independent and pluralistic media are fundamental prerequisites of a true democracy. The safety of journalists and other media actors is a key component of this freedom. Member States have a positive obligation to establish a sound legal framework for journalists and other media actors to work in safe conditions.

2. However, threats, harassment, legal and administrative restrictions and undue political and economic pressure are widespread. In some countries, journalists who investigate affairs involving corruption or abuse of power, or who merely voice criticism of political leaders and governments in power, are physically attacked, arbitrarily imprisoned, tortured or even murdered.

3. Threats on media freedom and the safety of journalists have become so numerous, repeated and serious that they are jeopardising not only citizens' right to be properly informed but also the stability and smooth functioning of our democratic societies. The Council of Europe must make use of all its leverage to prompt member States to remedy these threats quickly and effectively by urging and supporting the reforms required to this aim.

4. In this context, the Platform to promote the protection of journalism and safety of journalists is an essential collaborative tool which helps to raise awareness on the situation in the member States and to identify positive and negative trends. Moreover, the Platform encourages joint efforts and more synergic action of the different stakeholders, and it provides benchmarks for the design and effective implementation of national strategies intended to uphold media freedom and journalists' security.

5. In order to reinforce the role of the Platform and tap all of its potential, the Assembly recommends that the Committee of Ministers:

5.1. encourage member States to promptly and substantively respond to alerts by taking appropriate remedial actions;

5.2. hold regular exchanges within the Committee on the alerts published on the Platform and on the follow-up actions taken by the member States;

5.3. organise an annual dialogue with the partners of the Platform, based on their annual report, in order to identify systemic challenges concerning media freedom and the safety of journalists in the member States, as well as possible solutions to meet those challenges;

5.4. consider the Platform and its alerts on media freedom and safety of journalists violations as a basis to set priorities and assess the progress of the implementation strategy of Recommendation CM/Rec(2016)4 on the protection of journalism and safety of journalists and other media actors;

5.5. make available the resources and the support needed to give the Platform greater visibility, recognition and impact.

3. Draft recommendation adopted by the committee on 5 December 2019.

C. Explanatory memorandum by Lord Foulkes, rapporteur

1. Introduction

1. The Council of Europe is firmly committed to improving the protection of journalists and strengthening media freedom. In addition to the core obligations stemming from the European Convention on Human Rights (ECHR) and in particular – though not only – its Article 10, the standard-setting instruments[4] adopted by the Committee of Ministers provide clear guidance on what member States should do to establish a sound legal framework ensuring media freedom and the safety of media professionals.

2. The periodic reports by the Secretary General of the Council of Europe have been instrumental in drawing member States' attention to the need to make this protection more effective. Media freedom is a key theme of the work of the Venice Commission, of the Commissioner for Human Rights and of the Steering Committee on Media and Information Society (CDMSI). For its part, the Parliamentary Assembly has always paid particular attention to issues relating to media freedom and the safety of journalists, as well as to the conditions required for the media to operate properly.

3. The establishment in 2015 of the Council of Europe Platform to promote the protection of journalism and safety of journalists (the Platform) was a major development, which came about following requests from journalists' organisations and press freedom groups, and repeated calls from our Assembly. The Platform does extensive monitoring and information-gathering work through partner organisations. It produces periodic reports and statistics with the aim of alerting the international community and ensuring member States take responsibility in terms of meeting their positive obligation to protect media freedom and the safety of journalists.

4. In spite of all these efforts, the context in which journalists and the media operate at present is not only unsatisfactory but often quite worrying: in many member States, threats, harassment, legal and administrative restrictions and undue political and economic pressure are widespread. Worse still, journalists who investigate affairs involving corruption or abuse of power or merely voice criticism of political leaders and systems are physically attacked, arbitrarily imprisoned, tortured or even murdered. This unprecedented development constitutes a serious threat to the smooth functioning of our democratic societies.

5. Pressures on public service media have been increasing, including funding cuts, attacks by government parties in order to change the editorial line and remove undesirable journalists and restrictions on public service remits.

6. In this report, I will analyse the developments and trends concerning the threats to media freedom and the safety of journalists since 2017. I will draw on the information published by the Platform and by other early-warning mechanisms, as well as on some more political assessments concerning the situation in some countries where violations of media freedom are less spectacular, but where political and economic pressure on media, including public service media, lead to self-censorship.

7. The first part of the report highlights threats to journalists and the media in general in member States. In the second part, I look at trends which emerged during the period covered by the report. Unfortunately, it appears that some countries have developed strategies that erode the "media ecosystem" and progressively undermine media pluralism and independence. In the third part, I briefly address the functioning of the Platform and propose some ideas to make its work more effective and more visible.

8. My analysis builds on the expert report by Mr Marc Gruber,[5] whom I warmly thank for his excellent work. I have also taken account of the contribution by other experts[6] and by several members of the Committee.

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4. See in particular: Committee of Ministers (CM) Recommendation CM/Rec(2016)4 on the protection of journalism and the safety of journalists and other media actors, and Recommendation CM/Rec(2018)1 on media pluralism and transparency of media ownership.

5. Media and communication expert, France.

6. Mr Mogens Blicher Bjerregård, President of the European Federation of Journalists, Brussels; Ms Flutura Kusari, Legal advisor, European Centre for Press and Media Freedom, Leipzig; Ms Sophie Busson, Head of advocacy, Reporters without borders, Paris; Ms Joy Hyvarinen, Representative of Index on Censorship, London; Ms Roberta Taveri, Programme Officer, Europe & Central Asia Team, ARTICLE 19, London; Mr Giacomo Mazzone, Head of Institutional and Member Relations, European Broadcasting Union (EBU), Geneva; Mr Ricardo Gutiérrez, Secretary General, European Federation of Journalists, Brussels; Mr Thomas Friang, Advocacy Officer, Reporters Without Borders, Paris; Dr Moez Chakchouk, Assistant Director General for Communication and Information, UNESCO; Ms Herdis Kjerulf Thorgeirsdottir, First Vice-President of the Venice Commission of the Council of Europe; Ambassador Thomas Schneider, President of the

2. Overview of threats against journalists and the media

9. The 2019 annual report of the Council of Europe Platform states that, in the last few years, the number of alerts about serious threats to journalists' lives has sharply increased, almost doubling on an annual basis since 2015. This increase includes a marked upsurge in insults and verbal abuse, and in the public stigmatisation of the media and journalists, including by elected officials and representatives of the authorities. Although not exhaustive, the first part of this report gives an overview of these threats from 2017 to 2019, based on alerts published in the Platform.

2.1. Serious, direct and targeted attacks: murders of journalists and the issue of impunity

10. These attacks are the most worrying for the profession and for civil society organisations. According to alerts from the Platform, ten journalists have been killed since 2017, however, some of these are not included in the list below, notably where the investigation showed that their death was not linked to their profession (Viktoria Marinova in Bulgaria) or because their death was beyond the scope of this report (Jamal Khashoggi, the Saudi Arabian killed in his country's consulate in Turkey), or because their death occurred in a context in which they were not specifically targeted.[7]

11. Denmark: On 10 August 2017, Kim Wall, a freelance journalist, went missing after a trip to a submarine to interview its inventor Peter Langkjær Madsen. On 23 August 2017, the Danish police identified a headless torso as being that of Kim Wall. Peter Madsen was arrested and in September 2018 he was sentenced to life imprisonment for the murder of the journalist.

12. Malta: On 16 October 2017, Daphne Caruana Galizia, an anti-corruption journalist and blogger, was killed when her car exploded following death threats that she had received some weeks before. In December 2017, three persons accused of making the bomb were charged and placed in detention; in July 2019, they were formally charged with the killing. The investigation into the identity of the person(s) who ordered the murder is, according to the Maltese police, currently at an "advanced stage". On 20 September 2019, the Maltese government ordered a public inquiry into the murder, following up Resolution 2293 (2019) demanding the setting-up of an independent public inquiry into this crime within three months. However, in a Declaration of 30 September 2019, the PACE Committee on Legal Affairs and Human Rights expressed serious concerns about the independence and impartiality of the three members appointed by the Prime Minister to lead the inquiry. On 31 October 2019, the partner organisations of the Platform decided to transfer this alert to the category of 'impunity for murder', based on their assessment of the lack of sufficient progress in the investigation of this case. On 15 November 2019, the Government announced that two members of the public inquiry into the assassination of Daphne Caruana Galizia, following the concerns about their impartiality raised by the late journalist's family, would be replaced and its terms of reference revised. On 18 November 2019, the police arrested Melvin Theuma, alleged to be the middleman between the three existing suspects and the person who ordered the assassination. On 20 November 2019, Malta police arrested Yorgen Fenech, one of the country's most prominent businessmen, as part of an investigation into the murder of journalist Daphne Caruana Galizia. Fenech was detained after his yacht was intercepted and searched. Following the arrest of Yorgen Fenech and various investigation initiatives, the Government decided to recommend a presidential pardon to Melvin Theuma, the alleged middleman, whereas a request for a presidential pardon by Yorgen Fenech was rejected. On the 30 November 2019, Yorgen Fenech was arraigned in court and charged with, *inter alia*, conspiracy and complicity in the murder of Daphne Caruana Galizia. This arraignment is the result of an extensive investigation that the police in Malta conducted together with the assistance and collaboration of various international law enforcement agencies, particularly Europol and the FBI.

13. United Kingdom: On 18 April 2019, the journalist Lyra McKee died of a gunshot to her head while reporting on clashes in the Creggan neighbourhood of Derry/Londonderry (Northern Ireland). The extremist group the "New IRA" admitted responsibility and expressed its "full and sincere apologies" to the family and friends of the journalist, while adding that she had been "standing beside enemy forces" (the British police).

Steering Committee on Media and Information Society (CDMSI), Council of Europe; Mr Matjaz Gruden, Director of Democratic Participation, Council of Europe; Ms Jessica Ní Mhainín, Policy Research & Advocacy Officer, Index on Censorship, London; Mr Tom Gibson, European Union Representative, Committee to Protect Journalists, Brussels.

7. For example, the Italian journalist Antonio Megalizzi, who just happened to be in the streets of Strasbourg after work during a terrorist attack on 11 December 2018.

14. Russian Federation:

– 9 March 2017: Nikolai Andrushchenko, a journalist and co-founder of the newspaper Novy Petersburg, was beaten by unknown assailants in Moscow. He had already been assaulted twice before. He died on 19 April 2017 after two weeks in hospital;

– 15 April 2017: Maksim Borodin, an investigative journalist in Yekaterinburg for the independent news website Novy Den, died after falling from the balcony of his fifth-floor apartment three days earlier. Mr Borodin's colleagues and civil society organisations called for an investigation, but the Russian police did not take any action as they considered that there was no evidence of anything suspicious;

– 24 May 2017: Dmitry Popkov, an investigative journalist, editor-in-chief and co-founder of Ton-M, was shot five times by unidentified individuals in his garden in the city of Minusinsk, near Krasnodar.

15. Slovak Republic: On 21 February 2018, the investigative journalist Ján Kuciak and his partner Martina Kusnirova were killed in their home, causing outrage among the political class and society as a whole. He had been investigating the alleged links between certain Slovakian politicians and the Italian mafia, and fraud involving European farm subsidies. On 8 March 2019, the Slovakian billionaire and businessman Marian Kocner, whose name featured in Mr Kuciak's investigations, was charged with ordering the murder.

16. Turkey: On 29 April 2017, Saeed Karimian, founder and chair of the Persian language television channel GEM TV, was shot dead in Istanbul by masked individuals. A few days later, two persons accused of the murder were arrested in Serbia on their way to Iran with fake passports. The Chief Public Prosecutor's Office of Istanbul has launched an investigation into the incident.

17. Even though the context of each of these murders is very specific, it can nonetheless be seen that some were thoroughly investigated and solved while for others the action taken was very limited: there was no official response by the authorities to the alerts, and no tangible consequences for those who carried out or ordered the murders. This silence casts doubt on the willingness of the authorities and the commitment of the police to solve these cases with due diligence. The 2019 annual report of the Council of Europe Platform tells us that, in 2018, there were 26 impunity alerts on the Platform, including 17 individual cases of murders of journalists (two in Azerbaijan, one in Montenegro, six in the Russian Federation, one in Serbia, two in Turkey and five in Ukraine). A separate impunity alert on Serbia (published on 10 August 2018) identifies 14 unresolved cases of killings, kidnapping and disappearances of Serbian and Albanian journalists between 1988 and 2005. Other alerts are related to unresolved cases of serious assaults against journalists.

2.2. Non-state assaults, physical attacks and verbal abuse

18. A notable feature of the period between 2017 and 2019 is the marked increase in threats to journalists, whether general or targeted, by known or unknown perpetrators. This includes online harassment in the digital environment, especially via social media which spread hateful, violent and hostile messages; it also includes actual assaults, particularly during demonstrations. Many investigative journalists are under constant threat and police protection. France and Germany, two countries which had previously been relatively unaffected by this phenomenon, are also now affected. This section provides an overview of the main cases:[8]

19. Albania: On 8 March 2017, Elvi Fundo, director of the online portal Citynews.al and Radio Best was attacked by unknown assailants near the Tirana train station. On 29 August 2018, a person fired an automatic weapon at the home of the parents of journalist Klodiana Lala.

20. Germany: Although the number of attacks against journalists had decreased in 2016 and 2017, the trend reversed dramatically in 2018 due to far-right demonstrators. Out of the 26 attacks against journalists in Germany in 2018, 22 were carried out by right-wing extremists,[9] in particular on 28 April 2018 when two independent photographers were wounded after having been chased across the Thuringia countryside by neo-Nazis armed with baseball bats, knives, a monkey wrench and tear gas. One of the photographers was wounded on the head and the other was stabbed in the thigh.

8. Unless otherwise stated, the source of information is the Council of Europe Platform to Promote the Protection of Journalism and Safety of Journalists: https://www.coe.int/en/web/media-freedom.
9. https://www.ecpmf.eu/get-help/fact-finding-missions/concept-of-the-enemy-2018-review-en.

21. Armenia: On 2 April 2017, Sisak Gabrielian, a journalist with the Armenian section of *Radio Free Europe* (RFE), was assaulted by militants from the Republican Party of Armenia (HHK) while covering the Parliamentary elections in Yerevan. On 28 September 2017, Narine Avetisyan, editor-in-chief of the *Lori* television channel in Vanadzor, was attacked by the head of the construction company during a documentary on the asphalting of a road.

22. Bosnia and Herzegovina: There have been several assaults and many cases of intimidation in the country. On 20 February 2018, Nedzad Latic, a journalist and editor-in-chief of The Bosnian Times portal, was attacked in Sarajevo, wounded on the head and hospitalised.[10] On 26 July 2018, a group of journalists was attacked with a metal bar during a demonstration by military veterans in Sarajevo. On 20 August 2018, a group of 15 masked persons attacked the vehicle of four journalists and employees of the public radio and television channel BHRT. On 26 August 2018, two masked persons assaulted the BN TV journalist, Vladimir Kovačević, with metal bars in Banja Luka.[11] Apart from these attacks, other journalists have been subjected to serious threats.[12]

23. Bulgaria: On 4 October 2017, a car belonging to Zornitsa Akmanova, a journalist for the television programme "Lords of the Air", was burned in Karlovo. In November 2017, a criminal gang member told journalists during a video interview that his former bosses wanted to kill Georgi Ezekiev, editor of the Zov News website. In the meantime, Maria Dimitrova, one of the journalists who took part in that investigation, received threatening messages by SMS and on Facebook.[13] On 10 May 2018, Hristo Geshov, an investigative journalist, was assaulted outside his home.

24. Cyprus: On 20 July 2018, Costas Constantinou, a Greek Cypriot journalist, received a death threat published by a Greek Cypriot extremist on a Facebook post that states: "Someone ought to put a bullet through his head to be over with. A Turk in every sense of the word". The post was then removed from Facebook and the case was reported to the Chief of Police through Constantinou's lawyer.

25. Croatia: Various attacks have taken place, including in October 2018 on Ivan Žada, a journalist, against whom a family member of an MP threatened to "hire a contract killer". On 24 June 2018, the journalist Hrvoje Bajlo was seriously injured and had to be hospitalised following a violent attack in Zadar by businessman and former footballer Jakov Surać. On 29 October 2017, Croatian public television (HRT) journalist Maja Sever received a death threat on Facebook following the broadcast of her report on Nigerian refugees. In late 2017, journalists from *Novosti* were also targeted several times by hate speech on social media, and by death threats, according to *Novosti* editor-in-chief Nikola Bajto. Members of the "right-wing nationalist" party (A-HSP) gathered in front of the office of the weekly magazine *Novosti* in the centre of Zagreb and burnt a copy of the magazine.

26. Spain: The two most serious incidents occurred in Catalonia. At the end of October 2017, several journalists were assaulted in connection with the media coverage of the follow-up to the Catalan independence referendum, and on 29 August 2018, a cameraman from the Madrid public broadcaster *Telemadrid* was attacked by several participants in a demonstration organised by the Ciudadanos party.

27. France: Insults and threats against journalists have increased since 17 November 2018 during the "Gilets jaunes" demonstrations. Due to the high number of journalists who have been physically assaulted, news outlets have been obliged to take measures to protect their reporters. The attacks include insults, spitting, blows leading sometimes to fractures and even attempts to lynch the journalists. Groups of "Gilets jaunes" have also attacked newsrooms, damaged premises and blocked the printing and distribution of certain newspapers. On 6 April 2017, the *Le Canard Enchainé* and *Mediapart* newspapers received death threats in letters containing a bullet from a group called "Epuration 2J" and then on 27 January 2019, in Grenoble, an "anti-capitalist anarcho-libertarian" group partially destroyed the premises of the public radio station. Online harassment has also increased significantly.[14]

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10. A suspect was apparently arrested two days later for his involvement in the assault, but no specific details are known.
11. On 10 September 2018, the police arrested a suspect.
12. In particular, Marko Radoja, editor-in-chief at BHRT, who has received more than 200 threats, including death threats and was placed under police protection in 2018, and another, Dragan Bursac, a columnist with *Al Jazeera Balkans,* who has fled the country.
13. The regional prosecutor took the view that these were insults but not threats.
14. Nicolas Hénin, who had been held hostage by so-called Islamic State in Syria, received 20 000 hateful tweets following the publication of his book, *Jihad Academy*, and interviews in which he stated that alleged jihadis' incitement to murder was punishable by law. On 4 February 2019, he filed an official complaint of having received "death threats" following messages targeting him and his family. Sometimes, the courts manage to identify and convict those making

28. Greece: The attacks have been carried out, in particular, by far-right groups or demonstrators: on 20 February, two journalists were harassed by far-right demonstrators while making a report in Thessaloniki; in 2017 and 2018 respectively, the journalists Anthi Pazianou and then Stratis Balaska were harassed and verbally abused by far-right groups such as Golden Dawn because of their reports on refugees. In addition, on 17 December 2018, a bomb exploded in the premises of the private radio and television channel Skai and of the Greek newspaper Kathimerini, and on 20 December 2017, there was an attack on the premises of the journalists' trade union of Macedonia and Thrace (ESIEMTH). Lastly, on 22 January 2017 in Athens, at least three journalists were seriously injured following attacks by demonstrators against the Greek government's decision to accept the name of "North Macedonia".

29. Hungary: the far-right attacked journalists via the 888.hu website. On 5 September 2017, the portal published a list of journalists accused of serving the interests of the Hungarian-American billionaire, George Soros. The article specifically named eight journalists and called them "foreign propagandists" and George Soros' "spokespersons". International media were presented as being "biased" and "stigmatising", having the sole aim, it was claimed, of "discrediting" Hungary on the international scene.

30. Italy: There have been many attacks, cases of harassment and intimidation in the country. The increasing violence against journalists in Italy is particularly worrying as the country faces a combination of threats by mafia organisations[15] and an increasingly high number of attacks by far-right or neo-fascist groups. [16] Around 20 Italian journalists, who have been threatened by the mafia, live under constant police protection. [17] Of the attacks carried out, particular attention may be drawn to the case of Daniele Piervincenzi, a journalist with RAI, who was punched by the brother of a mafia boss on 7 November 2017 during an interview on the elections.[18] On 1 August 2018, the journalist and writer Enrico Nascimbeni was attacked by two men armed with a knife who called him "communist scum ". On 7 January 2019, Federico Marconi and Paolo Marchetti from *l'Espresso* were assaulted by "Avanguardia Nazionale" and "Forza Nuova", two neo-fascist groups. The groups had already attacked the premises of *La Repubblica* with flares on 6 December 2017 and had "declared war" on its publisher.

31. North Macedonia: On 18 February 2017, two journalists from A1 TV, Aleksandar Todevski and the cameraman Vladimir Zhelchevski, were attacked in Skopje while covering demonstrations outside parliament. Borjan Jovanovski, a journalist from Novatv, was insulted and spat on in the face. On 27 April 2017, Dimitar Tanurov, a journalist with the online press agency Meta, and Nikola Ordevski, a cameraman with the press agency Makfax, were assaulted during a nationalist demonstration in Skopje. In total, 21 journalists were threatened or prevented from reporting on the spot. There have also been threats and harassment in the country: harassment on Twitter with the publication of personal addresses, death threats on Facebook, etc.

32. Malta: On 14 January 2019, Shift News, a Maltese independent online news platform, was subjected to a cyber-attack to block the site following the publication of a series of investigative articles about controversial contracts relating to hospital concessions. Shift news is still a very active news portal in Malta, together with various portals that constantly report on current events and affairs and publish investigative articles, as well as opinions and blogs of various contributors.

33. Montenegro: The country has experienced particularly serious and targeted attacks. On 1 April 2018, the journalist Sead Sadiković escaped from the explosion of his booby-trapped car in front of his home. According to the police, the explosion was "intended to intimidate him". On 8 May 2018, Olivera Lakić, an investigative journalist with the Vijesti newspaper, was wounded in the leg and had to be hospitalised and then placed under police protection until the perpetrator was arrested. Both journalists were investigating corruption and organised crime.

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threats: on 3 July 2018, two persons who were stalking the journalist Nadia Daam were prosecuted for making death and rape threats against her and received a six months' suspended prison sentence and a fine of €2,000. Ms Daam had specifically criticised cyberbullying in her radio programmes.

15. ECPMF, May 2019: "Italy, so much mafia, so little news" on https://www.ecpmf.eu/get-help/fact-finding-missions.

16. For example, the death threats received by Enrico Mentana, editor-in-chief of the news channel LA7, via a letter signed with the Nazi swastika and a slogan from the Fascist era; the arson attack against the home of journalist Federico Ruffo; Paolo Berizzi, a journalist with *La Repubblica* newspaper who found threatening and offensive messages on the wall of his family home in Bergame; Filippo Mele, a journalist with *La Gazzetta del Mezzogiorno* who found a letter containing a bullet; Marilù Mastrogiovanni of the Sicilian newspaper *Il Tacco,* who has received many death threats on his professional e-mail, and Paolo Borrometi, the director of the online newspaper *Spia* and journalist with Agi, who escaped a brutal attack by an Italian mafia group.

17. As opposed to the temporary protection which concerned 200 journalists in 2017: https://rsf.org/en/news/nearly-200-italian-journalists-received-police-protection-2017.

18. On 18 June 2018, Roberto Spada was sentenced to six years in prison.

34. Netherlands: In June 2018, the Amsterdam premises of the Pijper Media group which publishes Nieuwe Revu, Marie-Claire and Panorama, were fired at with anti-tank missiles. A week later, the facade of the De Telegraaf headquarters were attacked by a van, causing considerable damage. There were no casualties from either of these attacks.

35. Poland: On 13 July 2017, Dorota Bawolek, a correspondent for Polsat TV, was targeted by hundreds of hate messages on social media because the public television channel TVP had accused her of asking a "disturbing" question at the European Commission.

36. Russian Federation: The country holds the dubious record relating to the number of alerts of serious attacks against, and harassment and intimidation of journalists: no fewer than 14 cases have been identified since 2017. The main means used by persons or groups who attacked journalists were death threats, poisoning, physical attacks, or attacks using knives, guns, gas or chemicals. Several journalists were wounded to the point of having to be hospitalised and/or leave the country. This is particularly the case for journalists working for independent or investigative media such as Ekho Moskvy, Mediazona and Novaya Gazeta. These attacks also concern professional bloggers such as Ilya Varlamov who has more than 200 000 followers on social media and who was assaulted with paint and iodine on 26 April 2017 at Stavropol airport.[19] Here again, as in the above-mentioned cases of murder, "the authorities have routinely failed to take remedial actions to prevent violence against journalists (…) thereby enabling a climate of impunity that encourages further attacks" in the words of the 2019 annual report of the Council of Europe Platform.[20]

37. Serbia: In 2018, the Independent Journalists' Association of Serbia (NUNS) recorded 21 cases of verbal abuse and seven cases of physical attacks.[21] On 31 May 2017, Lidija Valtner, a journalist with the daily newspaper Danas, was attacked by two supporters of the Progressive Party who tried to take her telephone to prevent her from filming. On 17 April 2018, Danilo Masojevic and Vladeta Urosevic of Prva TV were attacked in Leskovac. On 9 October 2018, Zeljko Matorcevic, editor-in-chief of the portal Zif Info, was punched in the head and suffered a broken jaw. On 12 December 2018, the house of Milan Jovanović, a journalist with Žig Info, was set on fire by a Molotov cocktail. On 16 March 2019, around 100 anti-government demonstrators stormed the building of the public radio and television station RTS in Belgrade demanding to be allowed to address the nation on air. The main threats were death threats sent by letter (N1TV) or published on social media (Tatjana Vojtehovski, Una Hajdari and Dragan Janjic). In Kosovo,[22] 23 cases of verbal abuse and physical attacks were recorded in 2018 alone.[23]

38. Turkey: The situation concerning media freedom is extremely difficult in Turkey due to the authorities' hostile attitude (see below), but other factors come into play. On 25 June 2018, following the results of the presidential and parliamentary elections in Turkey, Devlet Bahçeli, the leader of the Nationalist Movement Party (MHP), posted a video online and inserted a paid advertisement in national newspapers with a list of 80 persons, including journalists, who, in his opinion, had "tarnished his party's reputation" and called on people to "not forget what they had done", thereby putting them at serious risk of retaliation.

39. Ukraine: On 3 June 2017, Ukrainian journalist Stanyslav Aseev was kidnapped by the "State Security Agency" of the "Donetsk People's Republic".[24] On 31 January 2018, after receiving death threats, Igor Guzhva, the editor-in-chief of the news website *Strana.ua,* had to flee Ukraine and sought asylum in Austria.[25] On 22 February 2018, an arson attack destroyed the headquarters of *Chetverta Vlada* in Rivne. On 18 November 2018, two Ukrainian journalists and a Canadian were pepper-sprayed in Kyiv by far-right groups opposing a demonstration against transphobia. They were also subjected to a campaign of harassment on social media. Lastly, on 18 January 2019, unknown individuals fired rubber bullets and tear gas at the daily newspaper *Novyi Den* in Kherson. A journalist who was present suffered chemical burns. On 13 July 2019, two unidentified persons targeted the office of the private TV channel '112 Ukraine' in Kyiv, using a grenade launcher. The incident caused damage to the facade and nearby parked cars. Nobody was injured. The press service of the national police qualified the incident as a "terrorist act". Channel '112 Ukraine' had received a

19. It should be noted that in this case, three people were given a fine of 500 roubles (approximately €7) for "hooliganism" without a more thorough investigation.
20. https://www.coe.int/en/web/media-freedom/annual-report.
21. http://safejournalists.net/wp-content/uploads/2018/12/indicators_on_the_level_of_media_freedom_WB_2018.pdf.
22. All reference to Kosovo, whether to the territory, institutions or population shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.
23. http://safejournalists.net/wp-content/uploads/2018/12/indicators_on_the_level_of_media_freedom_WB_2018.pdf.
24. On 17 August 2018, the Russian channel *Rossiya 24* broadcast an interview with the journalist in which he admitted to working for the Ukrainian secret service in Donbas, but of course this information cannot be verified.
25. Mr Guzhva felt that the Ukrainian authorities had ignored several requests to investigate the threats against him. However, the authorities believed that Mr Guzhva was attempting to avoid criminal charges in Ukraine.

warning earlier the same week after the TV had planned to broadcast the public premiere of the documentary "Revealing Ukraine". Some employees of '112 Ukraine' received messages with threats. Channel '112 Ukraine' cancelled the broadcasting in order to avoid possible legal consequences and requested police protection, but the police did not follow-up on the request, neither before the attack nor after, according to the National Union of Journalists of Ukraine.

2.3. Threats by the authorities and misuse of legislation to hinder the work of journalists and the media

40. Threats by the authorities take the form primarily of political pressure, legal or administrative harassment, excessive use of force by the police and the arrest and detention of journalists. In Europe, most of the journalists detained are in Turkish prisons. In addition to these detentions, verbal abuse by political leaders has increased exponentially in recent years. When this is combined with the inaction of the police, who are not always in a position to deal with the most serious online threats against journalists, some journalists live in a climate of fear and stress. During the period covered by this report there has been a very high number of alerts on the Council of Europe Platform, in which the state was the source of the threat. It is not a question here of being exhaustive on these threats which constitute nearly 200 occurrences over the period of the report but of drawing a certain number of observations by country.

2.3.1. Police violence and refusal to grant or withdrawal of accreditation

41. Albania: In 2017, the journalist Isa Myzyraj received death threats from the Mayor of Has Municipality. In April 2019, journalists and photographers were injured by the police during anti-government demonstrations.

42. Azerbaijan: On 17 October 2019, in the run-up to protests against alleged corruption and low wages, police arrested Seymur Hazi, a reporter for the independent news website Meydan TV. The Khetai district Court in Baku found Hazi guilty of minor hooliganism and non-compliance with police orders and sentenced him to 15 days in detention. Hazi planned to cover the protests for Meydan TV. He was released on 29 August 2019 from a five-year prison term on retaliatory charges for his journalism, in which he had alleged government corruption and human rights abuses. On 19 and 20 October 2019, a number of journalists were subjected to physical violence by the police and/or were detained while covering peaceful protests in Baku. At least seven journalists were detained while covering the protests on 19 October. On 20 October, correspondents of Azadliq Radiosu, Meydan TV, and Turan News Agency were subjected to physical violence by the police, despite wearing identification vests and showing their press cards. Police also seized and damaged their equipment. The violence and detentions prevented the journalists from covering the protests. Internet blockages and disruption to mobile phone service in central Baku during the protests were also reported.

43. Germany: During the G20 summit in Hamburg, on 7 and 8 July 2017, at least 32 journalists were stripped of their press accreditation. According to the government spokesperson, the decision was taken for "security reasons". In August 2018, a TV crew working for public broadcaster ZDF's investigative political magazine programme Frontal21 were detained by police after a complaint by a participant at an anti-Merkel demonstration during a visit by the Chancellor to Dresden.

44. Armenia: Between 13 and 23 April 2018, during the protests in Yerevan that led to the resignation of Prime Minister Serzh Sargsyan, several journalists were deliberately targeted by the police.

45. Bulgaria: In April 2019, journalists were injured by the police during a demonstration in Gabrovo.

46. France: Since the beginning of the "yellow vest" movement on 17 November 2018, nearly 90 journalists and photographers who were covering the demonstrations have been victims of police violence[26] according to journalists' trade unions and non-governmental organisations.[27] Some reporters who have been victims of irregular conduct have complained to the General Police Inspectorate.[28] On 1 May 2019, over 300 journalists complained of a "deliberate desire to prevent them from working".[29] On Saturday 20 April 2019, the journalist

26. https://rsf.org/en/news/french-police-asked-respect-press-freedom-during-yellow-vest-protests.
27. Examples are two photographers from the newspaper *Le Parisien* hit by rubber bullet launcher (LBD) rounds, a photographer from the Journal du Dimanche who was hospitalised after he was struck by a member of the CRS (the state security police force, which specialises in maintaining public order) and fifteen other photographers who claim that they were targeted or fired at, sometimes intentionally, or struck or manhandled by the police.
28. At the beginning of 2019, seven cases concerning alleged offences against journalists had been referred to the General Police Inspectorate and were being followed up by the Paris Prosecutor's Office.

Gaspard Glanz was arrested in Paris and accused of "insulting a person exercising public authority" but above all he was "prohibited from appearing" in Paris on Saturdays and on 1 May 2019. Although it was subsequently lifted by the Criminal Court, this restriction on freedom of movement was unprecedented.

47. Romania: Several Romanian journalists and a camera operator from the Austrian public television channel, ORF, were beaten by riot police during demonstrations on 10 August 2018.[30] In another vein, on 6 July 2017, tax inspectors raided the offices of the investigation network Rise Project at the same time that it was announced that a major article was to be published revealing that Liviu Dragnea, President of the ruling Social Democrat Party, exercised control over the Romanian secret services. On 28 January 2018, a confidential report by the Romanian tax authorities on Rise Project was disclosed to the press and used in a defamation campaign.

48. Turkey: Two German journalists were compelled to leave Turkey on Sunday 10 March 2019 after their press accreditations for 2019 were discontinued without any explanation. Jörg Brase, a journalist for the German public broadcaster ZDF, and Thomas Seibert, a reporter at the Tagesspiegel newspaper, had been correspondents in Turkey for many years. It was reported by the Tagesspiegel's editor-in-chief that the Turkish embassy in Germany had tried in vain to make a deal to have the correspondents replaced. In June 2019, the accreditation for the two journalists was finally renewed. Another journalist, Halil Gülbeyaz, with the German public broadcaster NDR, also had his accreditation refused and is not allowed to return to Turkey.

2.3.2. Hostile acts by persons exercising public authority

49. Austria: In September 2018, the Minister of the Interior suggested that certain journalists should be investigated for their reporting on the activities of the Austrian intelligence services. In a subsequent e-mail, the ministry's spokesperson, Christoph Pölzl, asked the police to "restrict communication with the media to the legal minimum".

50. Azerbaijan: The country is one of the most hostile environments for journalists in terms of judicial proceedings, sentencing and imprisonment. 18 criminal proceedings, convictions and prison sentences have been directed against journalists or the media since 2017. In May 2019, five journalists were still in prison because of their professional activities. Sentences are sometimes very long, as for Elchin Ismayilli, founder and editor-in-chief of Kend.info, an online news site renowned for its coverage of corruption and human rights cases, who was sentenced to nine years in prison on 18 September 2017.[31] The blogger Rashad Ramazanov is also serving a nine-year prison sentence for "drug possession" and his lawyer claims that he has been tortured and beaten during his detention. The three other journalists currently being held are Ziya Asadlin,[32] Fikret Faramazoglu and Afgan Mukhtarli. Lastly, some journalists are "prohibited from travelling", as the journalist Kamran Mahmudov discovered on 22 June 2017 when he tried to journey to neighbouring Georgia. At the same time, over 400 journalists have been granted free public housing subsidies in recent years – an obvious means of "buying" journalists and avoiding criticism.

51. Bosnia and Herzegovina: On 28 March 2019, the chair of the municipal council of Novi Grad, a municipality in Sarajevo, attacked Adi Kebo, a cameraman with the investigative journal Zurnal, who was working on a story of alleged corruption.

52. Hungary: Friends or close relatives of government members have bought or succeeded in taking control of media which were formerly independent or critical. The government manipulates the media licensing system and as a result, popular radio stations have lost their licences against a backdrop of diminishing media plurality.[33] The authorities have also tried to interfere with the activities of foreign media outlets, as with the Slovenian magazine Mladina, when in March 2019 a cover which displeased the Hungarian Prime Minister prompted a request to the Slovenian authorities for "assistance in preventing similar incidents in future".

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29. https://www.francetvinfo.fr/economie/transports/gilets-jaunes/tribune-nous-assistons-a-une-volonte-deliberee-de-nous-empecher-de-travailler-plus-de-300-journalistes-denoncent-les-violences-policieres_3416561.html.
30. Cases of physical assault were reported by journalists Robert Mihăilescu (Hotnews.ro), Cristi Stefanescu (DW) and Vlad Ursulean (Casa Jurnalistului), by photojournalists Ioana Moldovan (Documentaria.ro) and Silviu Matei (Agerpres) and by reporter Cristian Popa and camera operator Cristi Ban (Digi24 news TV).
31. The court found him guilty of extortion with threats (Article 182 of the Criminal Code), abuse of authority (Article 308) and corruption (Article 311).
32. In prison since 5 September 2019 on an absurd charge: "hooliganism with the use of a weapon or an object that can be used as a weapon" because a tea shop manager had felt threatened by his mobile phone.
33. https://mappingmediafreedom.org/index.php/demonising-media-threats-journalists-europe/.

53. Malta: Following the assassination of Daphne Caruana Galizia, her family and journalists' organisations complained of the pressures placed on them when they called for justice, the refusal to conduct an immediate investigation to determine whether her life could have been saved and the repeated destruction of the memorial calling for justice for her assassination, on the orders of the Minister of Justice. At the time of her death, the journalist was facing 47 civil and criminal defamation lawsuits, including some by Prime Minister Muscat and Tourism Minister Mizzi. Today, 34 posthumous civil defamation proceedings against Daphne Caruana Galizia are still under way and the plaintiffs continue to seek damages from the journalist's family. Obviously, these cases put unjustified psychological and financial pressure on her family. The Maltese authorities' attitude helps to stoke a climate of impunity and minimisation of the importance of this case, with grave consequences for the freedom of the press in the country.

54. Netherlands: On 24 October 2019, NOS TV reporter Robert Bas was jailed for refusing to answer questions as a witness in a criminal trial before a court in Rotterdam. Robert Bas told the court that, based on his right as a journalist to protect his sources, he would not give comprehensive answers to questions about the murder of a mental health institution director in 2014, after which the court ordered his coercive detention in order to force him to do so. Early 2019, Bas had several telephone conversations with a source regarding the case, which had been recorded by justice ministry officials, and some of them had been added to the prosecution files. Neither Bas nor his source are suspects in the case. The lawyer representing NOS and Bas insisted that journalists have a right to non-disclosure, and this applies both to the identity of the source as well as all information the source gave the journalist. The Dutch Journalists' Association (NVJ) called on Dutch authorities to immediately release Robert Bas. On 25 October 2019, NOS reported that Bas had been released from detention. The court of Rotterdam ruled that Robert Bas had the right to refuse to give evidence regarding questions which would force him to reveal information about his sources.

55. Russian Federation: The country has been the subject of 25 alerts to the Council of Europe of threats from the state but none of these has met with the slightest response. Among the most significant acts are arrests and sentencing of foreign journalists,[34] heavy sentences, sometimes despite the lack of any material evidence,[35] police violence combined with searches of private apartments,[36] disproportionate fines,[37] restrictions on the movement of foreign journalists[38] and blocking of websites.

56. Ukraine: Spanish freelance journalists Antonio Pampliega and Manuel Angel Sastre were intercepted by Ukrainian police upon arrival at Kyiv airport on 24 August 2017. They were deported on the same day because they were said to represent "a threat to national security". The two journalists had intended to cover the armed conflict in the east of the country. At the beginning of 2019, Ukraine placed an entry ban on Austrian correspondent Christian Wehrschütz, who has reported from the country since 2014 for the Austrian national public broadcaster ORF. Ukraine's SBU security service accused Wehrschütz of illegal entry into the disputed Crimean peninsula and "anti-Ukrainian propaganda". The authorities had previously denied Wehrschütz accreditation to report from the eastern part of the country. Lastly, Ukraine has repeatedly prohibited foreign media activity (by Russians) on its territory, or the entry of journalists or media organisation directors.[39]

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34. On 4 June 2018, the Ukrainian journalist Roman Sushchenko was sentenced by the Moscow Court to 12 months' imprisonment in a high security jail for "spying". On 12 September 2018, the Supreme Court of the Russian Federation upheld the verdict.

35. On 26 December 2018, the blogger Alexander Valov was sentenced to six months' imprisonment and a heavy fine despite the lack of any material evidence and procedural defects. His *BlogSochi* is still inaccessible and all his on-line accounts have been pirated.

36. On 1 November 2017, the FSB searched the offices of *Novye Kolyosa* in Kaliningrad. Igor Rudnikov, the editor-in-chief, was initially detained at his house then brought to the newsroom in handcuffs. He was subsequently hospitalised with a concussion, a broken arm and a broken rib. The police also searched his mother's house. The journalist is currently in detention "pending investigation". The same applies to Aleksandr Batmanov, a presenter on the NGO TV channel in Volgograd, who was arrested and ill-treated by the police, then detained "on suspicion of theft from a grocery store" on 7 July 2017.

37. On 26 October 2018, the independent online news site *The New Times* was fined 22 250 000 roubles (€300 000) and its editor, Yevgenia Albats, 30 000 roubles (€400) for allegedly failing to comply with the law on "foreign agents".

38. On 8 March 2017, the Norwegian journalist Thomas Nilsen was denied entry to Russia for reasons of "state security" with no further explanation or legal recourse. Since 6 June 2018, three Estonian journalists have also been banned from Russia over "Russophobia" allegations.

39. On 14 May 2018, the Ukrainian authorities decided to ban the activities of the press agencies *Novosti*, *Rossiyasegodnya.rf*, *Sputniknews.com*, *Rsport.ria.ru*, *1prime.ru*, *Realty.ria.ru* and *rian.com.ua*, and the television channels *rtr-planeta.com*, *russia.tv*, *vesti.ru*, *tvkultura.ru* and *digitalrussia.tv*. On 26 June 2018, Ukraine denied entry to two Russian journalists who were planning to attend a conference on freedom of speech in Kyiv. The two journalists concerned were

2.4. Existence of or plans to introduce laws curbing freedoms or an administrative, legal, economic or political environment hostile to the work of journalists and the media

2.4.1. Excessive or arbitrary anti-terrorist and anti-crime legislation

57. Spain: On 24 September 2017, the police filed a lawsuit against Mónica Terribas, a journalist for Catalunya Rádio, accusing her of "encouraging breaches of public order by calling on the citizens of the region of Catalonia to report on the movements of the police during the independence referendum".

58. Russian Federation: After months of preparation, the Russian Law on false news and disrespect for the state, the authorities and society was finally passed and came into force in March 2019. Under this law "flagrant disrespect" for the state, the authorities, official symbols or society may result in fines of up to 300 000 roubles (over €4 000) and a prison sentence of up to fifteen days whereas the publication of false news may attract a fine of up to 1.5 million roubles (over €20 000). Roskomnadzor, the government body in charge of monitoring on-line content and media, has the authority to report pages with content it considers to be in breach of the new law and block access if it is not immediately removed. This law inevitably has an effect of self-censorship and "paralysis" on journalists and other media professionals in Russia.

59. Montenegro: The investigative journalist Jovo Martinović was found guilty of downloading an encrypted messaging application and using it for drug trafficking. He was held without trial or charge for 14 months and then sentenced to 18 months' imprisonment, whereas he was actually working on a report on drug trafficking for the French television channel Canal+. At the time of drafting of the present report, Martinović was in detention pending a decision on appeal.

60. Turkey: We do not ignore the difficulties that Turkey had to face and is facing after the failed coup d'état, continuing threats of terrorism and the war in neighboring Syria. However, these difficulties cannot justify what could be described as a truly systematic, organised campaign of harassment of journalists and the media on the pretext of the fight against terrorism, and the country is by far the most frequent offender where it comes to findings against the state by the European Court of Human Rights in freedom of expression cases.[40] Turkey is described by groups promoting the freedom of the press and journalists' organisations as the "world's largest journalists' prison", currently housing 157 of them according to the European Federation of Journalists,[41] with most in detention pending trial. Their lawyers have only limited access to case documents because their clients are accused of terrorism or complicity in offences linked to terrorism. After the failed coup of 15 July 2016 and the emergency decrees that followed, over 150 media outlets were closed and about 10 000 media employees were dismissed.[42] Although the state of emergency was lifted in July 2018, a large number of the provisions of the emergency decrees were retained in the new legislation adopted subsequently. These legislative amendments gave the Turkish executive almost unlimited discretionary power, making it possible to apply radical measures, particularly against the media. For instance, on 10 August 2017, the Istanbul Public Prosecutor's Office issued arrest warrants for 35 people in the context of an investigation on the links between the media and the networks of the preacher, Fethullah Gülen, resulting in arrests in Istanbul. People who have defended these journalists have also been targeted: for example, on 14 August 2017, the pro-government newspapers, Akşam, Star and Sabah published the names of Turkish journalists affiliated to a support group for imprisoned journalists, describing them as "fomenters of rebellion" and "traitors".[43] Lastly, the Turkish authorities repeatedly target the newspaper Cumhuriyet, whose journalists and other employees are regularly harassed, accused of "assisting a terrorist organisation", arrested and imprisoned. On 25 April 2019, six former staff members of Cumhuriyet were in prison and two were in exile.[44] On 12 September 2019, overturning the verdict of a lower court, the 16th Penal Chamber of the Supreme Court of Appeals (Court of Cassation) ruled that the execution of the sentences of several Cumhuriyet staff

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Russia Today Middle East bureau chief Paula Slier and Rossiya 24 presenter Yevgeny Primakov. Lastly, in July 2018, the Ukraine Security Service banned Russian Union of Journalists' president Vladimir Solovyov from entering Ukrainian territory for three years.

40. Forty findings of violations in 2018, or over half of all such findings by the Court https://www.echr.coe.int/Documents/Stats_violation_2018_ENG.pdf.

41. https://europeanjournalists.org/turkey-journalists-in-jail/.

42. Their dismissal was not based on any specific evidence or details concerning the acts of which they were accused. Instead, the decrees gave a general justification, according to which "they … had ties with, were part of or were linked or in communication with" groups considered by the government to be criminal.

43. This clampdown has even affected foreign journalists, as on 26 July 2017, Loup Bureau, a French journalist, was arrested at the Iraq-Turkey border and placed in detention by the Turkish authorities for "terrorist" activities linked with the Kurdish fighters in Syria. He was released on 17 September 2017, as a result in particular of a request by the French President Emmanuel Macron.

44. https://rsf.org/en/news/turkey-six-former-members-turkish-newspapers-staff-returned-prison.

members shall be suspended and requested the journalists be released. However, on 21 November 2019, the Istanbul 27th High Criminal Court upheld the conviction of 12 former Cumhuriyet employees, despite the Court of Cassation ruling issued in September that had acquitted the defendants. In addition, courts or administrative authorities block and filter on-line news sites, particularly pro-Kurdish, atheist and LGBTI sites, and even entire social media.[45] On 10 October 2019, the Chief Prosecutor's Office of Istanbul published a statement banning critical news reports and comments on Turkey's military operations in northern Syria. The statement says a person or persons who "target the social peace of the Republic of Turkey, domestic peace, unity and security" with "any kind of suggestive news, written or visual publication/broadcast" alongside "operational social media accounts" will be prosecuted according to the Turkish penal code and anti-terrorism law. In this connection, police arrested two journalists, Hakan Demir, online editor for the daily BirGün, and Fatih Gökhan Diler, responsible editor of the news website Diken. Both journalists were released on probation but banned from travelling abroad.

61. United Kingdom: In February 2019, the UK passed a new Counter-Terrorism and Border Security Act.[46] The bill had attracted considerable criticism because of its negative impact on media freedom and freedom of expression. It criminalises the publication of pictures or video clips of clothes or symbols which raise a very vague "reasonable suspicion" of links to terrorism. The UK authorities have acknowledged that at least 14 organisations currently included on the list of terrorist organisations do not actually meet the criteria to appear on the list. Furthermore, no terrorist intent is required; it is enough to watch a "terrorist" video to risk prosecution.

62. France, Poland and Ukraine have also passed laws authorising the administrative authorities to block on-line content without a court decision as part of "counter-terrorist" measures.

2.4.2. Legal harassment and gagging procedures ("Strategic Lawsuits Against Public Participation – SLAPP")

63. Belgium: Several complaints have been filed against Belgian investigative journalists David Leloup and Tom Cochez by companies or individuals belonging to the political and financial community (five complaints and two threats of complaints in 2018). The Belgian Association of Journalists (AJP) has expressed concerns about the number of complaints targeting these journalists.

64. Bosnia and Herzegovina: 105 lawsuits have been filed against a single journalist from the daily newspaper Oslobođenje.[47]

65. Croatia: In March 2019, there were no fewer than 1 160 ongoing lawsuits by public figures and corporations against journalists and media companies. The Croatian public broadcaster HRT had even filed 36 lawsuits against its own journalists and others, and this resulted in a protest by hundreds of Croatian journalists in Zagreb on 2 March 2019.[48] In view of the co-ordinated nature of these complaints and the involvement of persons exercising public authority, this can be regarded as a threat fabricated and nurtured by the Croatian authorities.

66. Finland: On 12 April 2019, a Finnish court found investigative journalist Johanna Vehkoo guilty of criminal defamation of Oulou City Councillor Junes Lokka. However, the suit relates to comments by the journalist in a private Facebook group in 2016, before Mr Lokka was elected in March 2017, and the journalist and her trade union consider it to be disproportionate.

67. France: The group run by Mr Vincent Bolloré has filed nearly 30 lawsuits against journalists and media companies. Sometimes the news groups are found guilty of "defamation", as was the case with Mediapart, whose article the court found to be "undoubtedly well-founded but somewhat inappropriate".

68. Poland: Gazeta Wyborcza published a series of articles on the construction in Warsaw of the K Tower, criticising the political leader Jaroslaw Kaczynski. On 20 February 2019, Kaczynski asked the Polish public prosecutor to initiate proceedings for defamation against the journalists concerned, who may be sentenced to prison under the Polish Criminal Code. The President of the National Bank of Poland (NBP) Adam Glapiński and PiS Senator Grzegorz Bierecki have also threatened to file lawsuits against five journalists for "damage to

45. https://rm.coe.int/state-of-democracy-human-rights-and-the-rule-of-law-role-of-institutio/168086c0c5.
46. https://services.parliament.uk/Bills/2017-19/counterterrorismandbordersecurity.html.
47. http://safejournalists.net/wp-content/uploads/2018/12/indicators_on_the_level_of_media_freedom_WB_2018.pdf.
48. The complaints included the offence of "humiliation" provided for in the Croatian Criminal Code or sought compensation for alleged non-pecuniary damage such as "mental anguish" or a "tarnished reputation".

their reputation". In 2018 alone, the ruling party Law and Justice (PiS) and other state bodies mounted 50 legal challenges against the journalist Wojciech Czuchnowski, demanding apologies and compensation amounting to €12 000.[49]

2.4.3. Appeals for violence incurring the liability of political leaders

69. Austria: On 23 April 2018, the journalist Armin Wolf of the public broadcaster ORF prompted threats from the extreme-right FPÖ party (which said his line of questioning would "not remain without consequences") when he noted that an FPÖ election poster was reminiscent of an image depicting a Jew from the Nazi newspaper Der Stürmer. Many FPÖ supporters have sent hate messages to Wolf on Facebook.

70. France: Prominent political party leaders have openly attacked the media. One notable example is Jean-Luc Mélenchon, the leader of la France Insoumise, who publicly called for the journalists of the public radio channel France Info to be "badmouthed", "discredited" and proven to be "morons".[50]

71. Hungary: In 2017, a government spokesperson accused a correspondent working for a news website of being "on drugs" and said that she was "not a journalist". At least eight other journalists have been accused by pro-government media of "serving anti-Hungarian interests".

72. Italy: This is one of the countries where representatives of the authorities have shown the greatest hostility towards journalists, particularly during the period between June 2018 and August 2019, under the coalition government of Cinque Stelle and Lega. In this period the Deputy Prime Ministers, Luigi Di Maio (Cinque Stelle) and Matteo Salvini (Lega), took a particularly hostile line against the media and journalists on social media. Mr Salvini threatened to withdraw the police protection provided for the investigative journalist Roberto Saviano despite the serious and repeated threats made against him. Mr Di Maio insulted journalists (calling them "jackals")[51] and launched a policy to do away with public funding for the press.[52] In September 2018, Mr Di Maio called on state-run companies to stop buying advertising in newspapers, which he accused of "polluting the public debate".

73. North Macedonia: The leader of the political party VMRO, Nikola Gruevski, described his opponents as "traitors" and there was a series of attacks against the media from February 2017 onwards. On 28 February 2017, two journalists were beaten and no-one was prosecuted.

74. Czech Republic: At a bilateral meeting with Vladimir Putin in May 2017, President Milos Zeman asked the Russian President if he should "liquidate" journalists as there were too many of them. In October 2017 he appeared at a press conference with a fake Kalashnikov inscribed with the words "for journalists".

75. Slovak Republic: Having called journalists "dirty, anti-Slovak prostitutes" in November 2016, Prime Minister Robert Fico called them "ignorant" in 2017 and has continually complained that they are too negative when they talk about him. Even after he had left office, at a press conference on 21 March 2019, Mr Fico accused the media of waging a "war" and described the Slovakian media as "the greatest threat to democracy".

2.4.4. Arrest or kidnap of exiled journalists and extradition to their country of origin

76. Azerbaijan: The journalist Afgan Mukhtarli was kidnapped on 29 May 2017 in Tbilisi and imprisoned in Azerbaijan.[53]

77. Turkey: The country has issued arrest warrants for exiled journalists such as Can Dündar in Germany and Hamza Yalçın in Spain.

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49. https://www.dw.com/en/is-media-censorship-a-coming-threat-in-poland/a-46671328.
50. Radio France has filed a complaint: https://www.francetvinfo.fr/politique/la-france-insoumise/on-ne-peut-pas-laisser-passer-radio-france-porte-plainte-contre-jean-luc-melenchon_3000583.html.
51. Journalists and their representative organisations fear this climate of violence fuelled by hostile rhetoric and have held demonstrations against these insults throughout the country through a campaign entitled "giù le mani dall'informazione" (hands off the news).
52. On 20 July 2018, Roberto Saviano was sued by Matteo Salvini for defamation, following a tweet in which Saviano called Salvini a "buffoon" and "minister of the underworld".
53. https://www.youtube.com/watch?v=ocxU3VukKUc.

2.4.5. Public service media (PSM) under pressure

78. In recent years, PSM have been under increasing pressure, including in several countries previously regarded as "safe havens". Three main methods have been used, namely funding cuts, restrictions on public service remits and the enactment of new laws or regulations to limit independence of those media. Although this trend has not given rise to any specific alerts, this chronic weakening of the independence and resources of PSM is tantamount to a slow yet progressive and unremitting demise.

79. Denmark: In late 2018, the government imposed a new service agreement on the public radio and television broadcaster, DR, which considerably limits its on-line presence and reduces investments in sports rights. In addition, the television and radio licence has been abolished and replaced by a direct grant from the state budget for political reasons, as a result of which the budget will be reduced by 25% by 2022. In September 2018, DR announced the closure of three radio stations and three TV channels and the dismissal of some 400 employees.

80. Switzerland: At the instigation of a committee of young MPs from the Democratic Union of the Centre (UDC) and the Liberal Party, Swiss citizens were asked to give their views on a popular initiative "No Billag", which proposed that the licence fee for public broadcasting should be abolished. On 4 March 2018, the voters rejected this proposal by an overwhelming majority of 71.6% but the licence fee was reduced, and 80 million Swiss francs will have to be saved over the next five years through reductions including payroll cuts.

81. Ukraine: There have been cuts at the new national public broadcaster, UA:PBC, which began operating in 2017. In late 2018, a few months before the presidential and parliamentary elections, the Parliament adopted a budget that had been reduced by over a half compared with what had been planned by the law. This cut has forced UA:PBC to withdraw from certain regions of the country and to stop analogue broadcasting.

82. Bosnia and Herzegovina: An agreement had to be reached for the television licence to be collected through electricity bills to wipe out the public radio and TV company's debts in 2017.

83. Lithuania: Changes have been made to the system for the appointment of the governing board of the public broadcaster, which have tended to result in more political interference.

84. Luxembourg: The director general of the public radio broadcaster resigned before the end of his term of office citing dysfunctional regulations and excessive pressure.

85. Romania: The political majority has the authority to dismiss the director general of the press agency AGERPRESS and after each election, the governing boards of the public media companies may be legally dismissed before the end of their term of office.

86. Cyprus: Every year Parliament blocks the public service budget to obtain changes in the programme schedule or to stop advertising.

87. In Poland and Hungary, government control over the PSM is increasing as non-aligned journalists are side-lined and the media are used for party political purposes, particularly during pre-election periods. This unprecedented situation in democratic states is spreading from central Europe to other countries such as Italy, where one of the ruling parties (the League) has been interfering with RAI's editorial line, and Austria, where ORF journalists are accused of defamation by the ruling populist party.

2.4.6. The job insecurity of journalists – an additional risk factor for media freedom

88. As already mentioned in our report on the status of journalists in Europe[54], and reiterated by journalists' unions for many years,[55] the profession of journalist is becoming increasingly insecure and this is reflected in a great upsurge in the number of freelance journalists or journalists with atypical employment arrangements. The common characteristic of these statuses is that most of them are imposed by employers and that these "forcedlancers" or "fakelancers" work under the same conditions as full-time employees but do not have the same rights. Job insecurity and pressure on journalists to be more productive affect their capacity to do research and investigate; this situation also has an impact on their physical integrity as "freelancers often lack preparation or insurance for working in risk or conflict areas (protest marches, public events, armed conflicts), which places them in physical danger or encourages them to take disproportionate risks".[56]

54. Doc. 14505, The status of journalists in Europe; rapporteur Ms Elvira Drobinski-Weiss (Germany, SOC).
55. https://europeanjournalists.org/policy/freelance/.
56. Ms Elvira Drobinski-Weiss, Doc. 14505, The status of journalists in Europe.

3. Negative developments and strategies that undermine the "media ecosystem" and weaken independent media

89. In the light of the observations in the first part, we can see several negative trends throughout Europe and the shortcomings of some member States indicate a deliberate intention to prevent journalists from doing their job.

90. Journalists continue to be arbitrarily and unjustifiably detained or imprisoned.

91. Criminal laws, particularly misused anti-terrorist legislation, erode media freedom. As the Council of Europe Commissioner for Human Rights pointed out on 4 December 2018,[57] "the misuse of anti-terrorism legislation has become one of the most widespread threats to freedom of expression, including media freedom, in Europe".[58]

92. The number of attacks on the safety and physical integrity of journalists is on the rise (55 in 2015-2016 compared with 66 in 2017-2018), as is the number of recorded threats, including death threats, which doubled in 2018 compared with 2017.

93. States do not protect journalists sufficiently: pursuant to Article 2 of the European Convention on Human Rights, states have a positive obligation to take preventive measures in the event of a real and immediate risk to a journalist's life. In the cases of Ján Kuciak and Daphne Caruana Galizia, both of whom had reported threats, neither Malta nor the Slovak Republic had taken these threats seriously enough to take preventive measures.

94. Alongside this lack of protection, there is a failure to investigate state responsibility and impunity; pursuant to Article 2, states are also required to conduct an independent and effective investigation into their responsibility if they fail to protect their journalists.[59] The European Court of Human Rights[60] identified some patterns of law-enforcement and judicial authorities' behaviour which are characteristic of a "culture" or "climate" of impunity. The lack of an appropriate police and judicial response is just unacceptable.

95. Together with impunity, there are also threats and instances of harassment of family members and activists seeking justice on behalf of those threatened or killed.[61]

96. The independence and sustainability of PSM are increasingly being undermined. Independence is being attacked by government parties in order to change the editorial line and remove the leaders and journalists who are the least "receptive" to their views. Laws on the audiovisual sector, supervisory authorities and PSM governance are amended too frequently, thereby undermining their stability and independence.

97. There continue to be frequent conflicts of interest between political activities and media ownership, and these are increasingly reflected in direct attacks against independent media and PSM.

98. The aggressive behaviour of the political class and representatives of the authorities towards journalists, particularly in Italy, the Czech Republic, the Slovak Republic and Turkey, constitutes a threat to the media in general.

99. States are attempting to block websites and social media platforms.

100. The ability of journalists to protect sources continues to be at risk and laws that threaten to criminalise the activity of journalists still have a significant deterrent effect.

101. Journalists who went into exile are arrested and extradited to their countries of origin where they risk punishment and persecution.[62] Sometimes this can even involve kidnapping.[63]

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57. https://www.coe.int/en/web/commissioner/-/misuse-of-anti-terror-legislation-threatens-freedom-of-expression.
58. Such has been the case in Turkey following the failed coup d'état in 2016, in Azerbaijan, and more recently in France with the security laws that were introduced as a consequence of the state of emergency.
59. Often investigations focus only on individual guilt. Families and the general public deserve to know who committed these crimes and whether the lives of journalists could have been saved.
60. Landmark cases include: Gongadze v. Ukraine, 34056/02, 8 November 2005; Dink v. Turkey, 2668/07, 6102/08, 30079/08, 7072/09 and 7124/09, 14 September 2010; and, more recently, Mazepa and others v. Russia, 15086/07, 17 July 2018, where the Court stated that the Russian authorities had "failed to take adequate investigatory steps to find the person or persons who had commissioned the murder" of Anna Politkovskaya.
61. Cf. Malta, where Daphne Caruana Galizia's family has been subjected to extensive harassment online and through defamation lawsuits. In the Slovak Republic, the organisers of the demonstration "For a decent Slovakia" *(Za slušné Slovensko)* were accused of having been "paid" by George Soros.

3.1. Patterns at transnational level

102. Defamation laws are abused to start gagging procedures; this practice, known as strategic litigation lawsuits against public participation (SLAPP) lawsuits, is widespread in many countries. Whatever the country, the strategy is not to win but to initiate these lawsuits seeking to silence the press and political expression, as they have a clear chilling effect because lawyers' fees and legal proceedings are both expensive and time-consuming.

103. Threats and attacks from groups of extremists occur in at least 11 countries.[64] Journalists and the media are targeted and are the direct victims of a vendetta that is being clearly orchestrated and is common to all nationalist, racist or populist groups or movements across Europe. Women journalists and journalists dealing with the issue of migrants are particularly hard hit.

3.2. Patterns at national level

104. Hungary: a politically and economically biased licensing conglomerate. The purchase or takeover of previously independent or critical media by government supporters, and the abuse of the media licensing system, are forms of interference orchestrated by the authorities. On 28 November 2018, the owners of the majority of Hungarian pro-government media announced that they were selling their companies to a "Foundation for Central European Press and Media" led by a close associate of the Prime Minister. Commercial interests aligned with the ruling party bought up media outlets which switched overnight to pro-government outlets,[65] and popular radio stations lost their licences in an environment of diminishing media plurality.

105. Russian Federation: a combination of numerous factors. The country has a large number, at its highest since the fall of the USSR, of journalists and bloggers detained, sometimes for more than a year on a "provisional" basis. The Russian Federation is the leader in impunity for murderers and attackers of journalists, and the authorities also use anti-terrorism laws and communication blocking (Telegram encrypted messaging since 2018) to police the internet. The Russian federal media regulator, Roskomnadzor, is on the verge of having almost unlimited powers in the monitoring and censorship of the media. A typical example of this is the case of the independent Fergana news website, which was blocked on 1 October 2019 upon the order of Roskomnadzor without any warning, notification or subsequent explanation. However, under the law, the media regulator may block access to websites only after a warning to a provider and sufficient time to the site owner to correct the wrong. Lastly, the main media defence organisations have been declared "foreign agents". Moreover, on 21 November 2019, the State Duma adopted the bill to extend the status of "foreign agents" to private persons. The adopted bill would allow the Ministries of Justice and of Foreign Affairs to also label individuals who disseminate information to an unspecified number of persons and receive funding from abroad as "foreign agents". This would cover bloggers and freelance journalists who receive grants, salaries, or payment for specific pieces of work from any foreign source. All information published by the "foreign agent" blogger or journalist would have to be marked with the "foreign agent" label. According to the Russian Journalists' and Media Workers' Union, "the extremely vague nature of its formulations is obviously intended for its selective application. This suggests that the new law principally targets journalists unpleasant for the authorities." Last but not least, some parts of the official or Russian-controlled territory (Chechnya and Crimea) are "grey areas" with practically no information.[66]

106. Turkey: biased and arbitrary justice. Especially since the failed coup in 2016, the judiciary has shown a lack of independence and impartiality, and this has affected the functioning of the media and the work of journalists, whose activities have been criminalised and who are placed in "prolonged pre-trial detention". In addition, justice is slow and prosecutors are struggling to fully prove the legal criteria in place to establish the charge of "membership of a terrorist organisation" in the case of journalists. It is to hope that the Judicial Reform Strategy proposed by the Turkish authorities in 2019, which aims to enhance the efficiency of the judiciary and to improve its independence, impartiality, transparency and efficiency, will be able to redress the current situation.

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62. Turkey, for example, has issued arrest warrants against exiled journalists, such as Can Dündar in Germany and Hamza Yalçın in Spain.
63. One such case is the Azerbaijani journalist Afgan Mukhtarli, kidnapped on 29 May 2017 in Tbilisi and imprisoned in Azerbaijan: https://www.youtube.com/watch?v=ocxU3VukKUc.
64. Armenia, Austria, Croatia, France, Germany, Greece, Hungary, Italy, Slovak Republic, Turkey, Ukraine.
65. https://europeanjournalists.org/blog/2019/05/09/hungary-almost-78-of-the-media-are-pro-government.
66. https://rsf.org/en/russia.

4. Possible action to be taken; the role of the Platform

107. All the above-mentioned threats to media freedom and safety of journalists must be urgently addressed in an efficient and adequate manner.

108. In the strategies to be taken by the member States to improve the situation, the role of the Platform should be essential. The Council of Europe set up the Platform in April 2015, following requests from journalists' organisations and press freedom groups. Its main role is to launch alerts regarding violations of freedom of the media and cases of attacks on journalists' safety. The partners organisations[67] of the Platform have been offering an outstanding contribution to its work by closely scrutinising the situation in the member States. In their last annual report,[68] they call on member States to urgently take account of the findings and recommendations and to immediately take all measures necessary to create a favourable environment for free and independent media, and to end the many acts of violence, harassment and intimidation which journalists face as a daily reality in some member States.

109. The Platform is an excellent tool to launch alerts and scrutinise the situation throughout Europe but at the same time it is a very useful instrument for co-operation. It is not conceived as another way to "name and shame bad pupils" but rather as an opportunity to improve the situation in the member States as concerns media freedom and journalists' safety. The Platform constantly provides information which may serve as a basis for dialogue with national authorities about possible protective or remedial action; it allows to draw on the expertise and the networks of media freedom organisations and journalists' associations.

110. The main value of the Platform is that it has brought journalists' safety and media freedom issues back to the attention of governments and provided an additional incentive for member States to act on reported threats. Most importantly, it helps to identify trends and look for systemic responses to problems such as blocking of internet sites, safety of journalists during rallies, accreditation of foreign journalists and Interpol "red notices".

111. Besides signalling alerts and pointing to problems, the Platform is (and should increasingly be) also a source of inspiration from those countries which achieved positive results.

112. For instance, regarding co-operation, France has established an inter-ministerial working group to co-ordinate responses, composed of representatives of the Permanent Representation of France to the Council of Europe and the Ministries of Interior, Justice and of Culture. Ukraine's Ministry of Information Policy has also put in place a system to co-ordinate responses to alerts. In the Netherlands, the public prosecution, the police authorities and media outlets concluded an agreement to adopt preventive measures and co-ordinate responses to instances of violence.

113. Concerning progress in the media environment as a whole, we could quote the case of North Macedonia: although the work of journalists remains quite difficult and insecure, this member State has since 2018 emerged as a standout example among the countries of the former Yugoslavia as a result of a decrease in pressure and prosecutions against journalists[69] and a reduction in political propaganda in the media; attacks on journalists fell by 65% in 2018 compared with previous years.[70]

114. As regards the improvement of the legal framework, the British government, after lengthy debates in Parliament, has agreed to amend the Anti-Terrorism Act to stipulate that journalism and academic research are an acceptable excuse to access online information that may be useful to terrorism. Another improvement of legislation has been observed in Malta, where the Parliament has enacted a media law which eliminates penal proceedings against journalists and the possibility to put them in jail.

115. A series of problems or cases raised in a number of alerts have been adequately treated. Several bilateral dialogues had been successful, more than 120 cases have been positively solved. A number of governments show now more readiness to engage in constructive follow-up. These good examples must be multiplied, and co-operation with the Platform developed.

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67. International Federation of Journalists; European Federation of Journalists; Association of European Journalists; Article 19; Reporters without borders; Committee to Protect Journalists; Index on Censorship; International Press Institute; International News Safety Institute; The Rory Peck Trust; The European Broadcasting Union; PEN International; European Centre for Press and Media Freedom; Free Press Unlimited.
68. https://www.coe.int/en/web/media-freedom/annual-report.
69. https://www.ecpmf.eu/news/legal/eu-reports-macedonia-improved-climate-towards-journalists-and-then-there-is-turkey.
70. https://rsf.org/en/republic-north-macedonia.

116. However, the visibility of the Platform must be enhanced; its work and value must be promoted. It would be beneficial to reinforce synergies with the EU and increase awareness of the EU Delegations in different countries on the Platform and alerts therein: the accession discussions offer a unique opportunity to have leverage and get commitment to find solutions. Furthermore, member States must be urged to play a more active role and raise the issue of attacks on media freedom in their bilateral relations and dialogues.

117. In order to tackle the low response rate of some member States and raise the efficiency of the communication between the Platform and national authorities, it might be helpful to organise joint field missions, bringing together different stakeholders. A discussion should be engaged on the ways to pinpointing countries which do not respond in the annual report of the Platform, in order to encourage their active participation.

118. Finally, it might be useful to link the activity of the Platform with the work of the Steering Committee on Media and Information Society (CDMSI) and the implementation strategy of Recommendation CM/Rec(2016)4, as well as with the ongoing Human Rights dialogues in the framework of the EU Human Rights Guidelines on Freedom of Expression Online and Offline and their implementation.

5. Conclusions

119. The period 2017-2019 is notable for several negative developments regarding media freedom and safety of journalists. The number of physical attacks and violence against journalists has sharply increased. There is a new shocking phenomenon in Europe: journalists killed for doing their job. Arbitrary imprisonment, torture and assassination of journalists has become a worrying trend in Europe. Moreover, the permanent on-line harassment, the raising number of attacks on journalists and media outlets from “neo-fascist” groups and criminal organisations constitute serious problems that have a negative impact on the safety of journalists.

120. A large number of crimes has been perpetrated in an atmosphere of impunity, which means that many member States do not protect freedom of the media and the safety of journalists as they are obliged to do. Worse, instead of protecting journalists, political and judicial authorities often constitute a threat in themselves, and indeed the main threat to the media on a day-to-day basis. However, pursuant to the ECHR, member States must carry out independent and prompt investigations into any crimes against journalists, such as killings, attacks or ill-treatment, and bring to justice all those who are responsible under the law.

121. Many member States have failed to create a favourable media environment and review to this aim their legislation. There are many examples where public authorities misuse different laws with potential negative impact on media freedom. Legal instruments such as laws on defamation, anti-terrorism, national security, public order, hate speech, blasphemy or memory laws are often applied to intimidate and silence journalists in the context of gagging procedures and strategic litigation multiple lawsuits.

122. There are many cases when public authorities do not respect the right of journalists to protect their sources and do not facilitate media professionals’ work in specific contexts, for instance in conflict zones or in public rallies. Too often public authorities misuse administrative measures such as registration or accreditation, or mismanage tax schemes, to harass journalists or make pressure on them. Cases of police violence against journalists are still too frequent.

123. One can also observe a sharp raise of aggressive behaviour and violent verbal attacks by political figures and representatives of the authorities against journalists. Unfortunately, this behaviour sometimes serves as a bad example and contaminates certain parts of the society. This is why there are genuine situations of widespread “demonisation” of the media involving a willingness to harass and attack journalists or the media for what they represent, rather than discussing facts or establishing the truth. In a number of countries, people no longer look up to and actually distrust the media, which are accused of being biased and are subject to numerous insults. This trend poses a heightened and chronic threat to media freedom in Europe, particularly where checks and balances (civil society and the judiciary) have been made less effective.

124. Another serious problem concerns public service media in Europe: the latter have been continuously under increasing pressure in most member States. Public service media are suffering from funding cuts and new laws or regulations which limit their independence or reduce their remits. However, to be in line with the Council of Europe standards on the matter, member States must ensure adequate and sustainable funding, editorial independence and institutional autonomy of public service media.

125. We must call member States to do more and better. In this respect, I have proposed in the draft resolution a series of actions that member States should take to revert the negative trends and uphold media freedom and the safety of journalists. I hope that the colleagues will support my proposals.

126. The Council of Europe Platform to promote the protection of journalism and safety of journalists is an excellent tool to scrutinise the situation in the member States and to encourage the latter to act on reported threats. Moreover, the Platform helps to identify trends and look for systemic responses to problems. Member States should engage in an unreserved support and effective co-operation with the Platform and provide substantive responses to the alerts, looking for prompt remedial actions and adopting targeted measures to avoid repetitive cases.

127. In this connection, the value and work of the Platform must be promoted and its visibility should be enhanced. The ways to render the impact of the alerts stronger should be discussed between the stakeholders. In this context, the Platform should seek for synergies with the appropriate EU structures, including with a view to have an additional leverage on some countries and obtain commitment during the accession discussions. A good idea may be to urge member States to raise the specific issue of attacks on media freedom in their bilateral relations and dialogues. I also believe that the impact of the Platform will increase by a stronger connection with the activities of the Steering Committee on Media and Information Society and with the Human Rights dialogues in the framework of the EU Human Rights Guidelines on Freedom of Expression Online and Offline.

128. Last, but not least, although not very numerous, in some member States there have been positive actions and initiatives to enhance the protection of journalists and the media. The good examples should be acknowledged; efforts should be valued and other member States should be encouraged to follow them. I trust that the Platform could also play a positive role in this respect as a tool which could also promote good practice. The Council of Europe bodies, including the Parliamentary Assembly, must continue to enhance their dialogue with national authorities, encourage in all countries continued efforts to uphold media freedom and be ready to respond to their requests for further support and co-operation.

Appendix – Dissenting Opinion by Mr Kamil Aydın, Turkey, to the report titled "Threats to media freedom and journalists' security in Europe"

This dissenting opinion aims to respond to certain inaccurate information in the report that is in contradiction with the real situation of journalism and media freedom in Turkey. Herewith we present our own perspective on these given issues.

The report falls short of giving a comprehensive picture of the situation of media freedom in Turkey. Neither the achievements of previous reform processes nor the current reforms respecting the protection of media freedom are included in the report. It lacks the elaboration on the true nature of crimes on which journalists in detention are charged with as well as the reasons of the closings of certain media outlets. Certain issues related to media freedom in Turkey can be summarized as follows:

During the accession negotiations with European Union, "harmonization" laws were adopted by the Turkish Parliament to align national legislation with EU acquis and to ensure further protection of fundamental rights. Throughout this reform process, a series of regulations in criminal legislation limited the elements of verbal act offenses. Most recent example of the continuity of reform efforts is the Law adopted in October 2019 that inserts the following sentence into the relevant provision of Anti-Terror law; "opinions that do not overstep the boundaries of giving news or that have the aim of criticism does not constitute a crime". In lights of these reforms, I am of the opinion that Penal Code of Turkey already complies in substance with EU and Council of Europe standards.

While the report criticizes the Turkish judiciary system for lacking independence, the fact is that courts independently decide on the merits of each case in Turkey. The independence of judiciary is proved by recent judgments of Constitutional Court and Court of Cassation that are in favor of protecting the right to speech and release of journalists from prison afterwards. However, the vast majority of persons referred to as "detained journalists" in Turkey are charged with serious offenses that have no connection with their work as journalists. Likewise, the decisions to close down certain media outlets targets only those which propagandize terrorism, financed by resources obtained from criminal organizations and used to launder money obtained from criminal activities. These decisions are open to judicial scrutiny before the courts as well as all the measures issued in the framework of the state of emergency.