

Violence, threats and pressures against journalists and other media actors in the EU

Contribution to the second Annual Colloquium
on Fundamental Rights - November 2016

A free and pluralist media is vital to the democratic functioning of the European Union (EU) and its Member States. However, journalists and other media actors in the EU face various challenges, including violence, threats and other forms of pressure, both direct and indirect. This FRA contribution to the second Annual Colloquium on Fundamental Rights presents evidence of the diverse threats encountered by journalists and media actors in the EU; outlines the legal and policy frameworks relevant to ensuring their safety; and scrutinises particular issues encountered by women, who are often targeted because of their gender. Highlighting that safety is a serious concern even within the EU, this FRA paper underlines that there is no room for complacency when it comes to protecting freedom of expression.

Contents

Safety of journalists and other media actors in the EU	2
Legal framework relevant to the safety of journalists and other media actors	3
Risks to journalists and other media actors.....	6
Violence, threats and pressures against journalists and other media actors	11
Violence, threats and pressures against women journalists and other media actors.....	17
In conclusion.....	20

Safety of journalists and other media actors in the EU¹

A free and pluralist media is vital to the democratic functioning of the European Union (EU) and its Member States. This means that journalists, publishers, editors, bloggers and other media actors must be able to carry out their tasks without fear of intervention or reprisals – which requires adequate protection from violence, threats and pressures.

Like everyone else, journalists and other media actors can be intimidated by threats and pressures. This can affect how they work, which stories they decide to report and how they report on them. Furthermore, an attack on one journalist or media worker can have a chilling effect on others, particularly when perpetrators can act with impunity, as the [Council of Europe](#), [UNESCO](#) and the [Organization for Security and Co-operation in Europe](#) (OSCE) have repeatedly noted.²

This must be considered in light of the fact that the European continent has witnessed the largest drop in press freedom when compared to other regions in the world over the course of the last 10 years, according to research published by [Freedom House](#) in 2016. This drop mainly results from the conglomeration of media ownership and the adoption of legislation that can restrict media activity. Combined with low job security resulting from weakened economies and shrinking advertising revenues, these developments add to the pressures journalists and other media actors in EU Member States face in their work.

Journalists and other media actors in the EU have also been the targets of deadly attacks, as was the case when 12 people were killed on 7 January 2015, including eight cartoonists and writers for the satirical magazine *Charlie Hebdo*. Another deadly attack targeted a seminar on *Art, Blasphemy, and Freedom of Expression* organised by the [Lars Vilks Committee](#) on 14 February 2015 in Denmark, at which a film director was killed.

This committee was established in 2012 in support of a Swedish cartoonist who depicted the Prophet Muhammed as a dog in 2007 and has since survived several assassination attempts and is living under constant police protection.

Physical attacks against journalists and other media actors in the EU remain rare and usually take place in the context of public assemblies. However, online harassment and threats are widespread, particularly on social media. Such practices, including ‘trolling’, often target journalists and bloggers, while those with minority backgrounds are also at the receiving end of racist, xenophobic or other forms of abuse. To name but one example, [the editor of the UK-based Jewish Chronicle](#) receives 20 to 30 antisemitic messages on Twitter a day and has had to block more than 300 Twitter users from posting on his account.

Women journalists and bloggers, for their part, are often targeted specifically because of their gender, and face threats of rape and violence, as well as intimidation and harassment. For those with a minority ethnic or religious background, sexist abuse is often accompanied by racist abuse.

As these examples illustrate, the nature and extent of the threats and pressures journalists and other media actors face evolve constantly, including as a result of the changing nature of journalism. In 2000, [the Committee of Ministers of the Council of Europe](#) defined a journalist as “any natural or legal person who is regularly or professionally engaged in the collection and dissemination of information to the public via any means of mass communication.” In 2013, the General Assembly of the United Nations [acknowledged](#) “that journalism is continuously evolving to include inputs from media institutions, private individuals and a range of organizations that seek, receive and impart information and ideas of all kinds, online as well as offline.”

Given the increased diversity of actors who contribute to public debate, journalistic and media freedoms should not be exclusively

linked to the journalism profession. Instead, [experts in the field](#) highlight that these freedoms are instrumental to the realisation of the public watchdog role, a role that is also taken up by bloggers, citizen journalists and whistle-blowers.

States have positive obligations in relation to freedom of expression and free media to ensure a favourable environment for inclusive and pluralistic public debate, as this paper shows. Adequate legal and policy frameworks, as well as a political and socio-economic climate conducive to a pluralist media that supports the democratic process are needed to create such an environment.³

It is against this backdrop that the present paper provides a snapshot of the types of threats and pressures faced by journalists and other media actors in the EU. This information was collected through the [multidisciplinary research network](#) of the EU Agency for Fundamental Rights, on the basis of a request from the European Commission in the framework of the [second colloquium on fundamental rights on media pluralism and democracy](#). The information presented in this paper covers the period 1 January 2014 – 1 September 2016. The paper first outlines the relevant legal framework.

Legal framework relevant to the safety of journalists and other media actors

The legal framework relevant to the safety of journalists and other media actors is informed by EU, Council of Europe and United Nations (UN) standards, as well as by commitments made by states participating in the OSCE.

European Union

It is universally acknowledged that the media play an important role for societies based on democracy, human rights and the rule of law. These elements are also the cornerstones of the values upon which the European Union is founded. These values are common to all EU Member States, as Article 2 of the [Treaty on](#)

[the European Union](#) (TEU) stresses: “The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.”

These values are not only central for any country applying for EU membership (Article 49 TEU); they are also at the core of continued Union membership. This is clearly signalled by the sanctions mechanism included in Article 7 of the TEU. This sanction mechanism enables the EU to react when its values come under serious threat. As the EU Treaties state, the values enshrined in Article 2 have to inform both the EU’s internal and external behaviour.

The [Charter of Fundamental Rights of the European Union](#) translates these values into human rights language, and provides more details. Article 11 of the Charter concerns freedom of expression, freedom of information, freedom of the media and media pluralism. A number of other Charter provisions are relevant to the safety of journalists and other media actors, including:

- Article 2 on the right to life;
- Article 3 on the right to the integrity of the person;
- Article 7 on the right to respect for private life and family life;
- Article 8 on the right to protection of personal data; and
- Article 15 on the freedom to choose an occupation and the right to engage in work.

The Charter does not extend the field of application of Union law and applies to Member States only when they are acting within the scope of EU law (Article 51 of the Charter). The rights outlined above nevertheless form the normative backbone of the EU as far the safety of journalists and other media actors is concerned.

Violence, threats and pressures against journalists and other media actors

The EU stresses that “without freedom of expression and freedom of the media, an informed, active and engaged citizenry is impossible,” as evidenced in the [EU guidelines on freedom of expression online and offline](#) adopted by the Council of the European Union in May 2014. In these guidelines, the EU “condemns the increasing level of intimidation and violence that journalists, media actors and other individuals face in many countries across the world because of exercising the right to freedom of opinion and expression online and offline ... States must take active steps to prevent violence and to promote a safe environment for journalists and other media actors, enabling them to carry out their work independently, without undue interference and without fear of violence or persecution.”

The safety of journalists and other media actors is also of concern to the EU when dealing with applicant states – as evidenced in the [Guidelines for EU support to media freedom and media integrity in enlargement countries](#), released by the Directorate General for Enlargement of the European Commission in February 2014. In this area, the EU expects applicant states to “take positive actions to ensure and promote media pluralism and their independence”. One of the benchmarks for measuring compliance is that the “number of physical attacks, threats and other forms of intimidation of media decreases”.

The [Council conclusions on media freedom and pluralism in the digital environment](#) of November 2013 further stress that the independence of journalists and other media actors within the EU should be free “from undue influence”.⁴ These conclusions invite the European Commission to support projects that aim to enhance the protection of journalists and media practitioners and to support an independent monitoring tool for assessing risks to media pluralism in the EU.

Council of Europe

The safety of journalists is a central preoccupation of the Council of Europe, as evidenced in case law of the European Court

of Human Rights and in a number of other initiatives. The Council of Europe standards relevant to the safety of journalists and other media actors are developed through the case law of the court. This is done mainly based on case law relating to Article 2 of the European Convention on Human Rights on the right to life, Article 3 on the prohibition of torture and Article 10 on freedom of expression, as the examples below illustrate. A more detailed analysis of the principles that can be drawn from the case law of the European Court of Human Rights with respect to the protection and safety of journalists and journalism can be found [here](#).

In [Gongadze v. Ukraine](#), the European Court of Human Rights in 2005 reiterated that Article 2, paragraph 1 of the Convention “enjoins the State not only to refrain from the intentional and unlawful taking of life, but also to take appropriate steps to safeguard the lives of those within its jurisdiction.” This principle had been extended to freedom of expression in [Özgür Gündem v. Turkey](#) in 2000 and reaffirmed in [Dink v. Turkey](#) in 2010.

In [Dink v. Turkey](#), the court concluded that the State had not complied with its positive obligations with regard to protecting Dink’s freedom of expression. This related to the court’s finding that the authorities had failed to protect Dink – the editor of an Armenian-Turkish language weekly – against an attack by members of an extreme nationalist group and that the guilty verdict originally handed down to Dink had not met a “pressing social need”. The court found that the public authorities’ failure to prevent Dink’s murder constituted a violation of Article 2 of the European Convention on Human Rights.

“The Court reiterates its considerations on the positive obligations of the State in the area of freedom of expression ... [These positive obligations entail that] States are required to create – while establishing an efficient system of protection of authors and journalists – a favourable environment for participation in public debate by all the persons concerned, enabling them to express their opinions and ideas without

*fear, even if these go counter to those held by official authorities or a large part of public opinion, even where these [opinions or ideas] are irritating or shocking [to authorities or public opinion].*⁴⁵

European Court of Human Rights, *Dink v. Turkey*, para. 137 (unofficial translation)

In 2015, the Council of Europe launched a platform to promote the protection of journalism and safety of journalists. The platform aims to improve the protection of journalists, better address threats and violence against media actors through targeted policy action, and foster early warning mechanisms and the capacity for response within the Council of Europe.

The platform is a monitoring tool enabling the compilation, processing and dissemination of information on threats to journalists and other media actors, on threats to the confidentiality of media sources, as well as on forms of political or judicial intimidation. This information is provided and verified by eight partner organisations: Article 19, the Association of European Journalists, the Committee to Protect Journalists, the European Federation of Journalists, the Index on Censorship, the International Federation of Journalists, the International Press Institute and Reporters Without Borders.

In 2016, the Committee of Ministers of the Council of Europe also adopted a Recommendation on the protection of journalism and safety of journalists and other media actors. This recommendation stresses the need for member states of the Council of Europe to comply with the relevant international legal standards. It calls on states to review laws and practices that affect the right to freedom of expression of journalists and other media actors on a regular basis.

United Nations

Concerning UN standards, Article 19 of the Universal Declaration of Human Rights as well as Article 19 of the International Covenant on Civil and Political Rights

enshrine every individual's right to hold opinions without interference, the right to freedom of expression, as well as the right to seek, receive and impart information and ideas through any media, regardless of frontiers.

"States parties should put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression ... Journalists are frequently subjected to such threats, intimidation and attacks because of their activities. So too are persons who engage in the gathering and analysis of information on the human rights situation and who publish human rights-related reports, including judges and lawyers. All such attacks should be vigorously investigated in a timely fashion, and the perpetrators prosecuted, and the victims, or, in the case of killings, their representatives, be in receipt of appropriate forms of redress."

UN Human Rights Committee, *General Comment No. 34 - Article 19: Freedoms of opinion and expressions*

In April 2012, the UN Chief Executives Board endorsed the UN Plan of Action on the Safety of Journalists and the Issue of Impunity. The plan aims to create "a free and safe environment for journalists and media workers, both in conflict and non-conflict situations, with a view to strengthening peace, democracy and development worldwide." This is to be achieved by assisting countries in developing legislation and mechanisms to foster freedom of expression and freedom of information.

Next to proclaiming 2 November the International Day to End Impunity for Crimes against Journalists, the UN also adopted a number of resolutions relevant to the safety of journalists and other media actors. These resolutions condemn attacks against journalists and other media actors and call for an end to impunity for such attacks. They include:

- Resolution 1738 (2006) of 23 December 2006 of the Security Council;

- [Resolution 21/12](#) of 9 October 2012 of the Human Rights Council on the safety of journalists;
- [Resolution 68/163](#) of 18 December 2013 of the General Assembly on the safety of journalists and the issue of impunity;
- [Resolution 27/5](#) of 2 October 2014 of the Human Rights Council on the safety of journalists;
- [Resolution 69/185](#) of 18 December 2014 of the General Assembly on the safety of journalists and the issue of impunity;
- [Resolution 2222 \(2015\)](#) of 27 May 2015 of the Security Council; and
- [Resolution 33/2](#) of 29 September 2016 on the safety of journalists.

The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression [recalled](#) in September 2016 that “[a]ttacks on journalism are fundamentally at odds with protection of freedom of expression and access to information and, as such, they should be highlighted independently of any other rationale for restriction. Governments have a responsibility not only to respect journalism but also to ensure that journalists and their sources have protection through strong laws, prosecutions of perpetrators and ample security where necessary.”

Organization for Security and Co-operation in Europe

The OSCE and its [Representative on Freedom of the Media](#) monitor violations of free expression in OSCE-participating states. The OSCE observes developments in the media as part of an early warning function and to assist its participating states to meet their [commitments](#) in relation to freedom of the media, freedom of expression and the free flow of information. The Representative on Freedom of the Media has issued a number of [communiqués](#) and [publications](#) relevant to journalist safety, as well as to media pluralism, the decriminalisation of defamation and combating hate speech.

Selected national provisions

Moving to EU Member States, few specific legal provisions to ensure the protection of media actors from violence, threats and pressures can be identified at national level. One exception is the Criminal Act in Croatia, which provides for sanctions – including prison sentences – against those who threaten journalists or restrict their freedom to report.⁶ The Croatian National Programme for the Protection and Promotion of Human Rights in the Period 2013 – 2016 also contains measures to strengthen the prosecution of perpetrators of threats and violence against journalists.⁷ Reflecting gaps in such protection, journalist associations in [Bulgaria](#), [Hungary](#) or [Poland](#) have called on legislators to introduce harsher penalties for violence and threats against journalists.

Risks to journalists and other media actors

Evidence of threats, violence and harassment against journalists and other media actors in the EU stems from various sources that use different methods to collect or compile the available data. At international level, this includes, for example, the [Mapping Media Freedom](#) project co-funded by the European Commission or the [Council of Europe’s](#) compilation of incidents targeting journalists and other media actors based on open sources, or evidence collected by non-governmental organisations. At national level, evidence can be compiled from media reports, journalist associations, civil society organisations and human rights organisations.

The lack of comprehensive data source allows only a partial overview of the nature and extent of violence, threats, harassment and pressures experienced by journalists and other media actors in the EU (see [Table 1](#)). Lower numbers of recorded incidents in any given country should not necessarily be taken as an indication of a low prevalence of incidents targeting journalists and other media actors. Conversely, higher numbers

could be indicative of functioning data collection mechanisms, rather than of higher incidences. A number of factors can affect how many incidents are recorded, including

whether an organisation or mechanism that systematically records these incidents exists in any given country or the willingness of journalists to report incidents.

Table 1: Threats and pressures against journalists and other media actors in the 28 EU Member States, 1 January 2014 – 1 September 2016

	Mapping Media Freedom			Platform to promote the protection of journalism and safety of journalists	
	2014	2015	2016	2015	2016
AT	4	3	0		
BE	4	14	4	2	6
BG	7	10	5	1	1
CY	1	3	2		2
CZ	0	0	0		
DE	37	29	16	1	3
DK	1	3	0	1	
EE	2	2	2		
EL	10	15	15	2	5
ES	18	19	28	3	2
FI	3	1	2	1	
FR	28	38	55	18	7
HR	14	36	19		
HU	70	59	28		1
IE	1	5	1		
IT	58	82	92	2	3
LT	3	9	4		
LU	0	1	2	1	
LV	4	4	5		
MT	5	1	5		
NL	15	11	14		
PL	10	12	29	2	3
PT	1	9	2		
RO	29	42	19		1
SE	0	1	3		
SK	3	1	0		
SI	2	8	3		4
UK	22	12	9	1	

Notes: The Mapping Media Freedom project records the following categories: threats, violations and limitations faced by members of the press.

The Platform to promote the protection of journalism and safety of journalists records the following categories: attacks on physical safety and integrity of journalists; detention and imprisonment of journalists; harassment and intimidation of journalists; impunity; and other acts having chilling effects on media freedom.

Sources: Table compiled by the EU Agency for Fundamental Rights, based on data from *Mapping Media Freedom* and the *Platform to promote the protection of journalism and safety of journalists*

For example, the higher number of incidents identified in Italy could result from the work done by *Ossigeno per l'Informazione*, a not-

for-profit association composed mainly of journalists. This organisation has been compiling and analysing cases of threats and

Violence, threats and pressures against journalists and other media actors

pressures against journalists and other media actors since 2006. The organisation reports all types of incidents – including the seemingly harmless and more subtle, and covering all types of perpetrators, such as criminal groups, politicians, administrators or citizens who try in some manner to obstruct the work of journalists, reporters, photographers, videographers, columnists, bloggers or documentary reporters. Each case is verified before it is recorded in the organization’s archive. The association recorded 520 cases of threats and pressures for 2014; 528 cases in 2015; and 226 cases between 1 January 2016 and 1 September 2016. Not all of these incidents were noted by either [Mapping Media Freedom](#) or the [Platform to promote the protection of journalism and safety of journalists](#).

The Reporters Without Borders [World Press Freedom Index](#) lists a number of pressures faced by journalists in the EU, such as

attempts by government to gain greater control over public media (Hungary, Poland); the conglomeration of ownership and increased commercialisation of media (Bulgaria, France); calling into question the confidentiality of journalists’ sources (Italy, United Kingdom); death threats against journalists motivated by nationalism (Sweden); and physical attacks against journalists during anti-Muslim demonstrations (Germany).

The [Media Pluralism Monitor](#) is a standardised monitoring tool that uses qualitative and quantitative indicators to measure risks to media pluralism in four domains: basic protection, market plurality, political independence and social inclusiveness, as [Table 2](#) shows. The project is run by the [Centre for Media Pluralism and Media Freedom](#), with funding from the European Commission.

Table 2: Indicators to measure risks to media pluralism in the Media Pluralism Monitor

Basic protection	Market Plurality	Political independence	Social inclusiveness
Protection of freedom of expression	Transparency of media ownership	Political bias in the media	Access to media for different social and cultural groups, and local communities
Protection of right to information	Concentration of media ownership	Politicisation of control over media outlets	Availability of media platforms for community media
Journalistic profession, standards and protection	Concentration of cross-media ownership	Politicisation of control over media distribution networks	Access to media for the physically challenged people
Independence of national authority(ies)		State advertising	Centralisation of the media system
		Independence of public service media governance and funding	Universal coverage of the public service media and the Internet
		Independence of news agencies	Media literacy

Source: *Centre for Media Pluralism and Media Freedom (2016), Monitoring Media Pluralism in Europe – Testing and Implementation of the Media Pluralism Monitor 2015 – Policy Report, Robert Schuman Centre for Advanced Studies, San Domenico di Fiesole (FI): European University Institute, p. 2*

The 2015 Monitor was carried out in 19 EU Member States and found that “no EU member state is today free from risks to media pluralism, and also that each country

faces specific problems or shortcomings, which reflect its media and political landscape.” Preliminary findings of the 2016 round of monitoring were [presented](#) on 4

November 2016 and confirm a deteriorating situation for the status of journalists. This round covered all 28 Member States, as well as two candidate countries (Turkey and Montenegro).

Similarly, Reporters Without Borders' [World Press Freedom Index](#) assesses media freedom, pluralism, independence, the quality of the existing legal framework, as

well as the safety of journalists in 180 countries, with the world ranking of EU Member States shown in [Table 3](#). The indicators used in the Index are: pluralism; media independence; environment and self-censorship; legislative framework; transparency; abuses and acts of violence against journalists and media.

Table 3: World Press Freedom Index ranking of EU Member States, 2012–2016

Member State	2012	2013	2014	2015	2016	2016 SCORE
FI	1	1	1	1	1	8.59
NL	2	2	2	4	2	8.76
DK	6	6	7	3	4	8.89
SE	10	10	10	5	8	12.33
IE	15	15	16	11	9	12.4
AT	12	12	12	7	11	13.18
SK	23	23	20	14	12	13.26
BE	21	21	23	15	13	14.18
EE	11	11	11	10	14	14.31
LU	4	4	4	19	15	14.43
DE	17	17	14	12	16	14.8
CZ	16	16	13	13	21	16.66
PT	28	28	30	26	23	17.27
LV	30	39	37	28	24	17.38
CY	24	24	25	24	27	18.26
ES	36	36	35	33	34	19.92
LT	33	33	32	31	35	19.95
UK	29	29	33	34	38	21.7
SI	35	35	34	35	40	22.26
FR	37	37	39	38	45	23.83
MT	45	45	51	48	46	23.84
PL	22	22	19	18	47	23.89
RO	42	42	45	52	49	24.29
HR	64	64	65	58	63	27.91
HU	56	56	64	65	67	28.17
IT	57	57	49	73	77	28.93
EL	84	84	99	91	89	30.35

Notes: Scores out of 100. 0 is the best, 100 the worst:

From 0 to 15 points: good (white)

From 15.01 to 25 points: fairly good (yellow)

From 25.01 to 35 points: problematic (orange)

(From 35.01 to 55 points: bad; from 55.01 to 100 points: very bad)

Source: Data compiled by the EU Agency for Fundamental Rights, based on the Reporters Without Borders' [World Press Freedom Index](#) (2016)

Invoking defamation law to pressure journalists remains a central preoccupation of organisations concerned with media freedom and pluralism, as evidenced in research commissioned by the [Council of Europe](#) or the [European Commission](#), for

example. Recent publications at the time of writing include a study on [freedom of expression and defamation](#) released by the Council of Europe in September 2016. The study shows that, although criminal defamation has a stronger chilling effect on

Violence, threats and pressures against journalists and other media actors

journalists than the high financial penalties often imposed in civil cases, the fear of disproportionate sanctions may cause journalists and other media actors to engage in self-censorship.

“States parties should consider the decriminalization of defamation and, in any case, the application of the criminal law should only be countenanced in the most serious of cases and imprisonment is never an appropriate penalty. It is impermissible for a State party to indict a person for criminal defamation but then not to proceed to trial expeditiously – such a practice has a chilling effect that may unduly restrict the exercise of freedom of expression of the person concerned and others.”

UN Human Rights Committee, *General Comment No. 34 - Article 19: Freedoms of opinion and expressions*

In January 2015, the International Press Institute released a [comparative study on defamation laws in the EU](#), with co-funding from the European Commission. In May 2015, the International Press Institute and the [Media Legal Defence Initiative](#) published a resource and training manual on [freedom of expression, media law and defamation](#), again with the support of the European Commission. Considering the wealth of information that is available elsewhere on defamation, this paper will only highlight that defamation is a criminal offence in 22 EU Member States, as of September 2016, with 20 of these providing for the possibility of imprisonment in cases of defamation, as [Table 4](#) shows.

Table 4: Criminal defamation laws in EU Member States, as of September 2016

	Defamation is a criminal offence	Defamation is a criminal offence punishable with imprisonment
AT	Yes	Yes
BE	Yes	Yes
BG	Yes	No
CY	No	No
CZ	Yes	Yes
DE	Yes	Yes
DK	Yes	Yes
EE	No	No
EL	Yes	Yes
ES	Yes	Yes
FI	Yes	Yes
FR	Yes	No
HR	No	No
HU	Yes	Yes
IE	No	No
IT	Yes	Yes
LT	Yes	Yes
LU	Yes	Yes
LV	Yes	Yes
MT	Yes	Yes
NL	Yes	Yes
PL	Yes	Yes
PT	Yes	Yes
RO	No	No
SE	Yes	Yes
SI	Yes	Yes
SK	Yes	Yes
UK	No	No

Source: Data compiled by the EU Agency for Fundamental Rights based on the International Press Institute’s [Media Laws Database](#)

Violence, threats and pressures against journalists and other media actors

Information collected by the EU Agency for Fundamental rights shows that journalists and other media actors in the EU faced a number of types of attacks, threats and pressures from state and non-state actors between 1 January 2014 and 1 September 2016. These include threats of violence; incidents in the context of public assemblies; alleged interference by political actors; pressures to disclose confidential sources and materials; interference through security and intelligence services; as well as financial and economic pressures. The next sections discuss these in turn and start by describing incidents involving state actors, where relevant.

Threats of violence

Concerning threats of violence, the Appellate Prosecutor's Office in Kraków, Poland, indicted a former senator in June 2015 for incitement to murder in the case of a journalist who covered major white collar crime and links between business and politics and who was abducted on his way to work in 1992. The criminal investigation was discontinued in 1999, but was officially reinstated in 2012. According to [the Helsinki Foundation](#), this is the most important case of lack of effective investigation in a case involving a journalist in Poland.

In Belgium, a Turkish language newspaper published in Brussels closed its Belgian edition after its journalists received dozens of death threats and subscribers started cancelling their subscriptions following intimidating threats, allegedly from

members of the Turkish community in Belgium after the failed coup attempt in Turkey in July 2016. The newspaper is viewed as pro-Gülen movement, which was accused by the Turkish authorities of being the main actor behind the attempted coup. Following the closure, 12 journalists lost their jobs.

The Finnish Union of Journalists [surveyed](#) its members in 2016 on their experiences of threats and verbal attacks: 16 % said that they had received messages containing threats during the past two years. The Slovene Association of Journalists led a campaign in 2014 in which it warned that police and prosecutors do not take threats against journalists seriously and do not investigate such threats.

In Estonia, a journalist and his family became targets of threats of violence and of online harassment. In 2015, the journalist decided to [publish the threats](#). Following incidents involving several other journalists, an investigative programme on the Estonian public broadcaster [dedicated a separate story](#) to the issue, during which four victims read-aloud on camera the threats and abusive comments targeting them. Other journalists [followed and published](#) threats and abusive language they received on their social media accounts and in the media, helping to raise awareness about the issue and empowering others to come forward.

Incidents in the context of public assemblies

When covering public assemblies, journalists in the EU often experience situations characterised by violence and repression, ranging from physical attacks, damage to equipment, and restrictions of movement, including denial of access, detentions and arrests.

In France, journalists reporting on protests opposing proposed changes to French labour law [were injured in 12 incidents](#) in March 2016. Among these, six journalists [were allegedly targeted by the police](#) although they had press identification. The journalist association *Presse Club Bretagne* and other members from the joint union of journalists were subsequently received by the Minister of the Interior, who [recognised the existence](#) of a "climate of increased violence" in the particular context of the state of emergency, an ongoing nationwide security measure put in place following the 2015 terrorist attacks in Paris. The Minister of the Interior

Violence, threats and pressures against journalists and other media actors

condemned all forms of violence and urged journalists who are victims of this type of action to press charges. Furthermore, he revealed the existence of a memorandum written on his request on 3 June by the Ille-et-Vilaine Departmental director of public safety, which reiterates the principles of the freedom of the press and provides guidance for law enforcement in demonstrations.

During a right-wing movement protest in Austria, police [denied journalists access](#) to the area where demonstrations took place. A video of the demonstration shows police using excessive force against protestors. The Austrian Journalists' Club said that the incident is one of the recent 'massive assaults of the Austrian security forces against journalists.'

A public security law adopted in Spain in 2015 imposed heavy financial penalties on anybody at a protest, including journalists, who decline to identify themselves to authorities, fail to obey orders to disperse, or disseminate unauthorised images of law enforcement personnel. According to [journalist associations](#), the last point in particular threatens the work of photojournalists and others who seek to inform the public about police abuses.

[The Committee to Protect Journalists](#) reports that when the Hungarian Government closed down and fenced off the Serbian-Hungarian border in September 2015, seven journalists stated that they were beaten by the Hungarian police when covering refugees protesting against the closure of the border. The police [denied](#) any wrongdoing and was supported by government officials. Upon a complaint by the Hungarian Helsinki Committee, the Prosecutor's Office in Szeged [initiated a criminal procedure](#) against unknown perpetrators.

On 9 December 2015, two Greek journalists and two photojournalists [were detained](#) on the Macedonian border, in Idemoni, just before the local police started an extended operation to move the refugees from the camp where they were staying. According to the Council of Europe, the police prevented

media coverage, as the access to the camp of Idomeni [was denied](#) to all journalists and NGOs. The Permanent Representation of Greece to the Council of Europe [issued a statement](#) informing the Secretary General that a police investigation started immediately and the State Security Sub-Directorate of the Attica Security Directorate was assigned to conduct a preliminary examination. Furthermore, the General Police Directorate of Attica [ordered a Preliminary Administrative Inquiry](#).

A photographer working for a Danish newspaper [was arrested](#) by the police when covering a story about refugees in Denmark in September 2015. The photographer refused to obey the police's orders to leave the highway on which refugees were walking and continued to follow them. He was arrested and later charged with disturbing the public order.

A woman photographer who was documenting an 'anti-Islam' movement demonstration in the Netherlands in January 2016 [was hit](#) in the face by a man. The perpetrator [was arrested](#). In the Czech Republic, in February 2016, participants in an anti-Islam demonstration [attacked reporters and cameramen](#), damaged their equipment and disconnected them from the power source. The journalists turned to police officers who were present at the scene for help, and these allegedly refused to help, saying it was the journalists' fault and the result of their having lied in their reports.

In Germany, during a demonstration by an Islamophobic and xenophobic organisation in 2015, journalists [were attacked](#) by several demonstrators, including a photographer who [was kicked](#) to the ground and his equipment destroyed. Several attacks on journalists were recorded during anti-refugee demonstrations held in the German federal state of Saxony in 2015 and 2016. [An enquiry](#) into these attacks was started by the *Die Linke* party in the Saxon parliament, concerning 26 of these attacks. The inquiry found that investigations were opened in 13 cases, with one resulting in criminal charges.

A radio reporter [was brutally attacked](#) by unknown assailants in Athens, Greece in February 2016, while covering a protest rally organised by the public and private sector workers' confederations. Unknown persons approached the journalist and asked whether he was a journalist. When he answered affirmatively, the men started hitting him on the head and spine with wooden planks, while the police stood by without intervening. The attack was condemned by public officials and various national and [international journalists' associations](#) that called for a prompt investigation.

Alleged interference by political actors

Between 2014 and 2016, several cases of alleged interference with journalists and other media actors by political actors were made public. In Croatia, the then-newly appointed Vice Prime Minister in March 2016 accused Croatian Radio television (HRT) of being "biased, partisan and ideologically prejudiced" and of showing sympathies towards the former government, while marginalising "other political options".⁸

On the same day, parliament dismissed the director of HRT and appointed an acting director. While parliament acted within its competences, [human rights and journalists' organisations](#) felt that there was a lack of transparency in the dismissal process. The next two months also saw the channel's management board changed, about 70 journalists and other media actors downgraded or laid-off⁹ and a popular satirical show cancelled. The show's producers claimed this was a case of ideological censorship.¹⁰

This drew a response from the Secretary General of the Council of Europe in April 2016. He [sent a letter](#) to the then-prime minister to ensure adequate safeguards "against political bias in the domestic procedures for nomination, tenure and protection against illegal dismissal with regard to key positions within the bodies (of public broadcaster and broadcast regulator)."

In Poland, the Public Broadcasting Act was changed on 30 December 2015, enabling the Minister of State Treasury to nominate, without open competition, management boards and supervisory boards of public media.¹¹ According to the [Journalistic Society](#), since January 2016, due to a change in the government, 190 managers, journalists and administrative workers of the public media lost jobs.

In January 2016, [the press in Luxembourg](#) reacted strongly to a memorandum sent by the prime minister's office to all ministerial departments, administrations and services of the State on the "rights and obligations of State officials in their relations with the press".¹² Journalists felt that this put serious limitations on interactions between State officials and journalists and other media actors and that it would affect how they research stories and the protection of their sources. The memorandum obliges State officials to refer any request for information from the press to the designated person in the relevant department and to transfer to that person any information and documentation she or he wishes to share with the press.

Another form of political interference relates to revenue streams of local newspapers. For example, the owner of several newspapers in Bulgaria [held](#) that "[a] major part of our revenues comes from publications and announcements, related to publicity programmes of the municipalities. It has happened, albeit rarely, that mayors or chairs of municipal councils get insulted at the publication of critical stories and reduce the support for the respective media outlet."

In Austria, private broadcasters criticised the government for [not allowing them](#) to cover a visit by the Austrian president, chancellor, vice-chancellor and the minister of interior to a refugee reception centre. The refugee centre has been widely reported to be overcrowded and have particularly bad living conditions. The visit was only covered by Austria's public broadcaster, the ORF. The Association of Austrian Private Broadcasters criticised the exclusion of private

broadcasters as a violation of press freedom, stating that “[t]he inequality of information between private media and the ORF, where the latter is close to the state, is completely unacceptable and an incredibly important topic.”

Pressures to disclose confidential sources and materials

Associations of journalists were critical of legislative amendments relating to the confidentiality of sources made in several Member States during the reporting period. For example, journalistic sources in Belgium are protected by [specific laws](#). Yet, in June 2016, the Minister of Justice announced his intention to double the length of prison sentences when professional secrecy requirements are violated, thereby putting this in a category of offences that would allow for wiretapping or computer tracing. The [Belgian Association of Professional Journalists](#) claimed that this could lead to disclosures of journalists’ sources.

In January 2016, the Irish Garda Síochána Ombudsman Commission was [accused](#) of extensive and inappropriate access to journalists’ phone records to identify their police sources. [The Irish media](#) have long been critical of the restrictions imposed by the Garda Síochána Act 2005, banning police officers from talking to journalists without prior authorisation. Officers contravening the ban risk dismissal, a fine or up to seven years in prison.

A particular concern is that investigation of such contacts also involves extensive surveillance of journalists. In 2012, a number of senior crime correspondents [went public](#) with claims that their phone records were being accessed routinely to identify their police sources. These claims have since continued and intensified.

For example, in 2014, the investigations editor for the Sunday World Newspaper, [complained to](#) the police oversight body Garda Síochána Ombudsman Commission that her phone records were improperly accessed over a four-year period. In May

2015, a serving Garda superintendent and former head of the Garda press office [was arrested](#) over claims that, while working in the press office, he gave information to a journalist without authorisation.

In the United Kingdom, media organisations and journalists were critical of [the Investigatory Powers Bill](#) debated in parliament in the period 2015–16 to 2016–17. This bill includes protection for journalistic sources in the form of approval of an authorisation to obtain communications data by a judicial commissioner. [Media organisations](#) argue, however, that safeguards in the bill are too weak as it could enable widespread exposure of journalistic sources and access to journalists’ communication data, and so deter investigative journalism.

In France, [a bill on the freedom, independence and pluralism of the media](#) was discussed in the Senate in October 2016. The bill includes the possibility of circumventing the confidentiality of sources for all offences that relate to violations of the fundamental interests of the nation (Title I, Book IV of the Criminal Code).

“Protection of journalistic sources is one of the basic conditions for press freedom. ... Without such protection, sources may be deterred from assisting the press in informing the public on matters of public interest. As a result the vital public-watchdog role of the press may be undermined, and the ability of the press to provide accurate and reliable information be adversely affected. ... [A]n order of source disclosure ... cannot be compatible with Article 10 of the Convention unless it is justified by an overriding requirement in the public interest.”

European Court of Human Rights, *Goodwin v. the United Kingdom*, para. 39

Reporters Without Borders, the European Federation of Journalists, the European Magazine Media Association, the European Newspaper Publishers’ Association and the European Broadcasting Union expressed concerns regarding Directive (EU) 2016/943

of the European Parliament and of the Council of 8 June 2016 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure. These organisations [state](#) that, “Despite valuable improvements of the original draft, the newly adopted Directive still raises doubts as to whether journalists and their sources, in particular whistle-blowers are appropriately protected ... This could lead to significant legal uncertainty and chilling effects on journalists: journalists would be required to prove that the whistle-blower’s intention were in line with the requirements of the Directive before even being able to use disclosed public interest information.”

Such information was central to the LuxLeaks and [Panama Papers](#) revelations. Both cases reaffirmed the crucial roles journalists and whistle-blowers play in increasing transparency and accountability in democratic societies, and also show that both groups are under pressure to reveal their sources. The protection of whistle-blowers is at the heart of the Council of Europe’s [Recommendation on the Protection of Whistleblowers](#). At the same time, professional associations of journalists, trade unions and anti-corruption organisations [called](#) upon EU legislators to adopt EU-wide legislation to protect whistle-blowers.

The LuxLeaks case concerns two whistle-blowers and a French journalist. The whistle-blowers were former employees of PricewaterhouseCoopers (PwC) who leaked classified documents revealing a large amount of tax avoidance arrangements that the authorities in Luxembourg struck with hundreds of companies. In 2014, the leaked documents were published by the [International Consortium of Investigative Journalists](#). Following these revelations, the whistle-blowers and the journalist [were charged](#) by the public prosecutor in Luxembourg; the journalist was charged with violating trade secrets and confidentiality. In June 2016, the court acquitted the journalist while convicting the whistle-blowers and imposing suspended jail sentences and fines.

In Malta, during an on-going case brought by a minister of state and his wife against a blogger, the applicant’s lawyers asked the defendant to reveal the sources of information she published on her blog. She refused, relying on the protection of sources stipulated in the Press Act.¹³ The applicant’s lawyers argued that the blogger should not benefit from that protection since her blog was not covered by the Press Act, it not being a ‘publication’, and since she was not a registered journalist. In March 2016, The Court of Magistrates upheld the blogger’s right not to divulge her sources. Furthermore, the court referred to [the Council of Europe’s recommendation of 8 March 2000](#), which states that “the term ‘journalist’ means any natural or legal person who is regularly or professionally engaged in the collection and dissemination of information to the public via any means of mass communication.”

Interference through security and intelligence services

State authorities sometimes justify extending surveillance to journalists in the name of national security, putting at risk the ability of journalists and other media actors to maintain confidential sources and thus threatening independent journalism and reporting.

A journalist in Croatia won an action for damages against the state after 10 years of court proceedings. The case concerned agents of the Security and Intelligence Agency who tried to force her to cooperate with them.¹⁴ Two cases of infiltration of newsrooms by undercover intelligence agents were disclosed in Romania [in 2012](#) and in 2014.¹⁵ These [cases concerned](#) attempts of various intelligence services working in Romania to recruit media personalities and journalists.

In June 2014, a pre-trial investigation in Lithuania revealed that Special Investigation Services (SIS) had wiretapped 17 journalists of the Baltic News Service (BNS) upon authorisation by a Vilnius district court judge. The wiretapping aimed to discover the source of a leaked government report on

Russia, which BNS had publicised in one of its stories. In July 2014, the Vilnius Regional Court [found](#) the SIS surveillance to be illegal.

An internal investigation conducted by the Polish Bureau of Internal Affairs found that, between mid-2014 and 2015, the police filed recordings of conversations of around 80 individuals in the country, including about 50 journalists and members of their families. The investigation identified two separate police units engaged in the wiretapping, involving approximately 29 officers. Reports from the central district attorney in Warsaw from February 2016 claim that the surveillance had, however, not taken place, contrary to claims made in a police audit published earlier in the year.

An amendment to Poland's Act on Police was adopted in January 2016.¹⁶ Changes to the law were [criticized by the European Commission for Democracy through Law](#) of the Council of Europe (the Venice Commission), particularly in relation to interference with the confidentiality of journalistic sources. According to the Venice Commission, the "procedural safeguards and material conditions set in the Police Act for implementing secret surveillance are still insufficient to prevent its excessive use and unjustified interference with the privacy of individuals."

Concerns were raised in Germany regarding a proposed reform to [the Federal Criminal Police Office Act \(BKAG\)](#), particularly as regards surveillance measures that [would affect the practice of journalism](#). The [German Constitutional Court found](#) in April 2016 that some proposed provisions in the act were at least partly unconstitutional. In June 2016, the German government proposed a [draft law reforming the Federal Intelligence Service](#). This bill was criticised, among others, by [three Special Rapporteurs of the United Nations](#): the special rapporteur on the promotion and protection of the right to freedom of opinion and expression; the special rapporteur on the situation of human rights defenders; and the special rapporteur on the independence of judges and lawyers. They claimed that the draft would create

"overbroad conditions for the collection and processing of data" and "insufficient safeguards for the rights of foreign journalists and lawyers."

Journalist associations and other interest groups in Germany were also critical of legislation relating to the retention of telecommunications data. The law of 2010 [had been declared](#) unconstitutional by the German Constitutional Court in 2010. A new bill [was adopted](#) by parliament in October 2015 and enacted in December 2015. Two urgent applications against the law [were rejected](#) by the Constitutional Court in July 2015. However, the new law [was criticised](#) by a number of German press and broadcasting organisations in September 2015, who states that its provisions on storage, collection and other use of telecommunications data for security purposes interfered with the professional secrecy of journalists and could therefore arguably undermine press freedom.

Financial and economic pressures

Journalists face a variety of financial and economic pressures in the EU. Owners and operators of television stations in Greece, for example, have been [protesting](#) against the government's decision to grant nationwide broadcasting licences to only four channels. The tendering procedure for the allocation of these licences took place in August 2016. Critics [claimed](#) that issuing only four licences will endanger media pluralism and lead to the closure of existing television stations. On 26 October, the Greek Council of State High Court, the supreme administrative court of Greece, ruled that national law on the television licensing tender and procedure is unconstitutional, since it did not involve the national radio and television council (*Εθνικό Ραδιοτηλεοπτικό Συμβούλιο*).

In October 2016, the company that owns *Népszabadság* – a newspaper associated with the opposition in Hungary – announced that it would [temporarily suspend its publication](#), claiming that it was not commercially viable. Critics [argued](#) that its suspension was politically motivated, as the

newspaper had frequently been critical of the government, especially in regard to allegations of corruption involving senior officials.

Journalists in Croatia,¹⁷ Portugal and Slovenia benefit from special protection clauses in employment contracts to ensure their independence. Nevertheless, the Slovene Association of Journalists reports that precarious working conditions may expose journalists and other media actors to undue pressures to depart from accepted journalistic ethics and standards. Freelance journalists could be particularly vulnerable. In Belgium, for example, the number of journalists who face financial difficulties or changes in their employment conditions has markedly increased. This decreasing level of social protection, particularly among freelance journalists, can make them more likely to be subject to pressures.

Media outlets' potential vulnerability to financial pressures can also be related to advertising, which is often their main source of revenue. A survey among journalists in Bulgaria highlights cases of advertising contracts being terminated because media outlets published information about advertisers that they deemed to be negative. Just over one third of the survey respondents said that the owner interferes with their work, while 20 % stated that they are sanctioned if the owner's instructions are not complied with. As a result, 36 % of the journalists surveyed consider that there are things they cannot tell the public through their media and 16 % confess that they are not convinced of everything they write or say.

A similar finding can be mentioned from Luxembourg, where some journalists and other media actors use the term 'in-house censorship' to describe situations in which publishers are not inclined to publish content that is openly critical of actors who support them financially.

Reporters Without Borders analyses the worldwide phenomenon of corporate interests who create or take over media

empires to serve their business or political interests in its report titled *When oligarchs go shopping*. Examples are cited from Bulgaria, France, Greece, Hungary, Italy and the United Kingdom. In this context, an Irish Member of the European Parliament claimed, for example, that newspapers and radio stations owned by a billionaire businessman were deferential in coverage of repeated controversies involving him. Research into newspapers that he owns shows he received less critical coverage in his own titles when he was embroiled in controversies argued in court.

Reminiscent of the concentration of media ownership in the hands of one individual in Italy (Silvio Berlusconi) and in France (Serge Dassault), Reporters Without Borders claims that the situation in the Czech Republic embodies the concentration of money, politics and media: Andrej Babiš, the Minister of Finance and Deputy Prime Minister, is the country's second richest man, owns one of its most powerful media houses (MAFRA) and a large agro-industrial conglomerate, Agrofert.

Violence, threats and pressures against women journalists and media actors

In its declaration on the protection of journalism and safety of journalists and other media actors of 2014, the Council of Europe's Committee of Ministers emphasises an obligation to "address the specific challenges and threats women journalists are confronted with in the course of their work" and calls on member states to make gender "a central feature of all measures and programs dealing with the protection of journalists and other media actors and the fight against impunity."

The Recommendation on the protection of journalism and safety of journalists and other media actors adopted by the Council of Europe's Committee of Ministers in 2016 further identifies gender-specific aspects of the range of issues it addresses: "Journalists and other media actors are often specifically

Violence, threats and pressures against journalists and other media actors

targeted on account of their gender, gender identity, sexual orientation, ethnic identity, membership of a minority group, religion, or other particular characteristics which may expose them to discrimination and dangers in the course of their work. Female journalists and other female media actors face specific gender-related dangers, including sexist, misogynist and degrading abuse; threats; intimidation; harassment and sexual aggression and violence. These violations are increasingly taking place online. There is a need for urgent, resolute and systemic responses.”

The [Internet Governance – Council of Europe Strategy 2016-2019](#) also includes, among objectives related to security online, “monitoring action taken to protect everyone, in particular women and children, from online abuse, such as cyber-stalking, sexism and threats of sexual violence”.

In 2013, the [UN General Assembly Resolution on the safety of journalists and the issue of impunity](#) recognised the specific risks women journalists face in the course of their work and underlined the importance of taking a gendered approach when considering measures to address journalist safety. In July 2012, the UN Human Rights Council Resolution on [the promotion, protection and enjoyment of human rights on the internet](#) stated that “the same human rights that people have offline also must be protected online”, in particular freedom of expression, and called on all states to ensure accountability for gender-based violence committed against persons for exercising their human rights and fundamental freedoms on the internet.

In 2015, the OSCE published a [recommendation](#) on effective responses to threats and violence against women journalists, addressing participating states, media organisations and intermediaries and social media platforms. Among others, it [recommended that the participating states provide](#) tools and training to law enforcement agencies on technical and legal issues pertaining to threats and violence

against women journalists and to collect data related to online abuse and its effects.

In many ways, the experience of women journalists and media actors encapsulates the nature, range, invasiveness and impact of violence, threats and pressures journalists and media actors experience in the EU. Besides being targeted for their work, women journalists and media actors are often attacked specifically on the basis of their gender and face threats of rape and violence, as well as intimidation and misogynist harassment.

This has to be considered against the findings of the EU-wide [survey on violence against women](#) of the EU Agency for Fundamental Rights. This survey shows that the physical, sexual and psychological violence women face has a devastating impact on their lives, including long term psychological consequences such as feelings of anger, fear, annoyance, embarrassment or shame. Many of the women who responded to the survey had also experienced stalking by means of email, text messages or the internet, with one in 10 the target of unwanted, offensive, sexually explicit emails and text messages, or offensive, inappropriate advances on social networking sites.

“Yes, [I receive online threats] almost on a daily basis most of them via Twitter, occasionally I check the Facebook inbox which is loaded by (death) threats, wishful thinking of all sorts of abuse. And although my email address is rather private (apart from the public ones obviously), it is the email threats that affect me most since I do make some sort of efforts of keeping my private email private.”

Woman journalist, quoted in *Summary of the OSCE representative on freedom of the media questionnaire on safety of female journalists online*

The International Women’s Media Foundation conducted a global survey on [Violence and Harassment against Women in the News Media](#), in which a number of European women journalists participated. The survey shows that nearly two thirds of the 977 women journalists and other media

actors who responded experienced acts of intimidation, threats and abuse in relation to their work. The most commonly reported cases concerned abuse of power or authority, verbal, written, and/or physical intimidation, and attempts to damage their reputation or honour by a range of people, including supervisors, co-workers, persons being interviewed, government officials or police officers.

Nearly half of the respondents said that they experienced sexual harassment at work, with most incidents never reported. One third of the respondents said that their employers took measures to protect their personal security or provided emotional support or professional counselling/therapy in the event of work-related harassment or violence.

Other research shows that women journalists experience more online harassment and threats than male journalists do, as two separate studies conducted in the United Kingdom indicate. The first [shows](#) that, on Twitter, “[j]ournalism is the only category where women received more abuse than men, with female journalists and TV news presenters receiving roughly three times as much abuse as their male counterparts.” The second study [shows](#) that, of the 10 writers of the online version of *The Guardian* newspaper who receive the most abusive comments, eight are women, and the other two are Black men. The 10 writers who receive the least abuse are all men.

As pointed out by the [Global Media Monitoring Project](#), gender inequalities, invisibility and under-representation of women in the media sector are part of the problem: “In 2015, women make up only 24 % of the persons heard, read about or seen in newspaper, television and radio news, exactly as they did in 2010.” This project covers 22 EU Member States.

The media also often represent women and men in ways that reinforce gender stereotypes. This is also evidenced in women and women journalists not being seen as contributing to important public discussions.

In the [words of the deputy editor of the *New Statesman*](#), “One of the things we can [do] is have more women journalists, having more women writing news, having more women on the comment pages. And actually, as we normalise women participation in public life then I think it will hopefully ameliorate the situation because people will get used to women having opinion. They will find it less challenging and threatening and scary, and less likely to make them feel defensive and abusive.”

Information collected by the EU Agency for Fundamental Rights in the framework of this paper provides examples of harassment and threats against women journalists in EU Member States. For example, in March 2016, the former Prime Minister of Slovenia compared two women journalists of TV Slovenija as “[worn out prostitutes worth not more than 30 or 35 euro](#)” via his personal Twitter account. The journalists [announced](#) that they will file a lawsuit.

In September 2014, a woman investigative journalist of the Finnish Broadcasting Company YLE who published an article on “pro-Russia trolls” [was targeted](#) with threatening phone calls and text messages, degrading messages, death threats and threats with sexual content. Disinformation and smears about her were also sent to her colleagues and government officials, leaders of the Finnish media and published on various websites. The police [initiated](#) cooperative efforts with the prosecutor on the matter.

In another Finnish case, [a woman journalist who questioned](#) why the police specified a rape suspect’s foreign background in its press release, reportedly became the target of a threatening campaign by anonymous perpetrators. The prosecutor decided to discontinue the criminal investigation, [stating](#) that “politicians, journalists and others who in their profession have to publicly take a stand on the matter, and given their position, they have to, in the juridical sense, put up with more derogatory comments than other people who do not work in the public eye”. In response, the

Finnish Council for Mass Media published a [statement](#) urging the police and prosecutors to pay more attention to threats made to journalists.

In Bulgaria, in 2013 and 2014, unknown offenders [set on fire a car](#) of a woman TV journalist, parked in front of her house. The offender was not found and proceedings [were discontinued](#). The Union of Bulgarian Journalists issued [an official declaration](#) calling the incident a criminal act and describing it as attempted intimidation of a journalist and a violation of freedom of speech.

Threats and the resulting trauma women journalists experience do not only affect them individually, but also have an impact on broader society. Indeed, they might engage in self-censorship as a result, as the OSCE Representative on Freedom of the Media has [highlighted](#). There are many women journalists who decided to pull out of the public space and stop writing altogether because of the pressures they faced in their work. Alternatively, they chose or were assigned to cover areas that would not generate controversies to shield them from abuse. This can lead to women being silenced and discouraged from participating in public affairs.

Abuse of women's rights, online and offline, should be addressed in a broader framework of gender discrimination and violence against women to ensure that women's rights are respected. [The Convention on preventing and combating violence against women and domestic violence](#) contains, among others, provisions and measures related to protecting the right to live free from violence in both the public and the private sphere, encourages media participation in preventing violence against women, and requests state parties to criminalise forms of violence that relate to sexist hate speech, notably stalking and sexual harassment.

In conclusion

This paper shows that, contrary to what might be expected, ensuring the safety of journalists and other media actors is an issue of serious concern for the EU and its Member States. State and non-state actors were found to (try to) exert direct and indirect pressure on journalism, which can adversely affect the freedom of the media, freedom of information and freedom of expression. Where these freedoms are at risk, so is the role of the media in the democratic process and, therefore, also the rule of law.

The continued vigilance of institutions and bodies of the EU, its Member States, and non-governmental organisations is needed if media pluralism and democracy are to be upheld durably. The nature and extent of threats, abuses and pressures experienced by women journalists highlighted in this paper are a case in point. Their experience shows that there is no room for complacency when it comes to ensuring the safety of journalists and other media actors in the EU. In other words, even if "Member States have high standards of media freedom and pluralism [...] we shouldn't take this situation for granted," as the European Commissioner for Digital Economy and Society [highlighted](#).

The [United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity](#) offers guidance to institutions and bodies of the EU and its Member States on how to ensure that this challenge is met. To highlight but one example, the plan contains a number of provisions relating to raising awareness among state, policy and media actors, as well as among the general population "on the importance of freedom of expression and the dangers that impunity for crimes against media professionals represents for freedom and democracy."

Endnotes

- ¹ The European Union Agency for Fundamental Rights would like to thank the agency's Scientific Committee and three independent experts (Elda Brogi of the Centre for Media Pluralism and Media Freedom, Steven Ellis of the International Press Institute, and Tarlach McGonagle of the Institute for Information Law) for input they provided to previous versions of this paper.
- ² All hyperlinks provided in the paper link to the original sources, where available. The endnotes reference sources for which no web links are available.
- ³ Council of Europe (2015), *Journalism at risk. Threats, challenges and perspectives*.
- ⁴ See Conclusions of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, on media freedom and pluralism in the digital environment, in OJ C32 as of 4 February 2014.
- ⁵ *Dink c. Turquie*, para. 137 : « la Cour réitère ses considérations concernant les obligations positives de l'Etat en matière de liberté d'expression ... [Ces obligations positives impliquent] que les Etats sont tenus de créer, tout en établissant un système efficace de protection des auteurs ou journalistes, un environnement favorable à la participation aux débats publics de toutes les personnes concernées, leur permettant d'exprimer sans crainte leurs opinions et idées, même si celles-ci vont à l'encontre de celles défendues par les autorités officielles ou par une partie importante de l'opinion publique, voire même sont irritantes ou choquantes pour ces dernières. »
- ⁶ Croatia, Criminal Act, (*Kazneni zakon*) published in Official Journal 125/11, 144/12, 56/15, 61/15.
- ⁷ Government of Republic of Croatia, Office for Human Rights and National Minorities (*Vlada Republike Hrvatske, Ured za ljudska prava i nacionalne manjine*) (2015), National Program for Protection and Promotion of Human Rights in the Period 2013 – 2016 (*Nacionalni program zaštite i promicanja ljudskih prava za razdoblje od 2013. do 2016. godine*).
- ⁸ Croatian Journalists' Association (*Hrvatsko novinarsko društvo*); (2016), "HRT management: Every unfounded attack on HRT is direct assault on democracy" (*Vodstvo HRT-a: Svaki neutemeljeni napad na HRT je izravan udar na demokraciju*), www.hnd.hr, 14 February 2016.
- ⁹ Croatian Journalists' Association (*Hrvatsko novinarsko društvo*); (2016), "Worrying situation on Croatian Television: in less than two months nearly 70 dismissals, programme omissions and lack of professional criteria" (*Zabrinjavajuće stanje na HRT-u: u nepuna dva mjeseca gotovo 70 smjena, programski propusti i izostanak profesionalnih kriterija*), www.hnd.hr, 2 May 2016.
- ¹⁰ Human Rights House Zagreb (*Kuća ljudskih prava Zagreb*), Human Rights Brief: Freedom of The Press, Zagreb, 25 April 2016.
- ¹¹ Poland, Public Broadcasting Act (*Ustawa z dnia 30 grudnia 2015 o zmianie ustawy radiofonii i telewizji*), 30 December 2015.
- ¹² Luxembourg, State Department (*Ministère d'Etat*), Circular letter to the ministerial departments, administrations and services of the State (*Lettre circulaire aux départements ministériels, administrations et services de l'Etat*), 7 January 2016.
- ¹³ *Dr. Konrad Mizzi and Dr. Sai Mizzi Liang vs. Daphne Caruana Galizia*, Court of Magistrates, Application No. 365/14.
- ¹⁴ Government of Republic of Croatia, Office for Human Rights and National Minorities (*Vlada Republike Hrvatske, Ured za ljudska prava i nacionalne manjine*) (2015), Implementation Report of the period of 2013 and 2014 of the National Program for Protection and Promotion of Human Rights in the Period 2013 – 2016 (*Izvešće o provedbi Nacionalnog programa zaštite i promicanja ljudskih prava za razdoblje od 2013. do 2016. godine, za 2013. i 2014. godinu*).
- ¹⁵ Event-interview given by George Maior to Dan Andronic, prior to his resignation from the management of the SRI – Full show (VIDEO)", B1 TV, January 27, 2015 /// „Interviul eveniment acordat de George Maior lui Dan Andronic, inainte de demisia din fruntea SRI - Emisiune completă (VIDEO)", B1 TV, 27 ianuarie 2015.
- ¹⁶ Poland, Act on Police (*Ustawa z dnia 15 stycznia 2016 o zmianie ustawy o policji i niektórych innych ustaw*), 15 January 2016, Article 20ca.
- ¹⁷ Croatia, Media Act (*Zakon o medijima*) published in Official Journal 59/04, 84/11, 81/13.

Further information:

The following FRA publications offer further information on the themes explored in this paper:

- *Violence against women: an EU-wide survey, Main results report* (2014), <http://fra.europa.eu/en/publication/2014/violence-against-women-eu-wide-survey-main-results-report>;
- *Fundamental Rights Forum - Chair's Statement* (2016), <http://fra.europa.eu/en/publication/2016/fundamental-rights-forum-chairs-statement>;
- *Ensuring justice for hate crime victims: professional perspectives* (2016), <http://fra.europa.eu/en/publication/2016/ensuring-justice-hate-crime-victims-professional-perspectives>.

Further information on FRA's work in the field of hate crime is available on the FRA website:
<http://fra.europa.eu/en/theme/hate-crime>

Note the manuscript for this paper was completed in October 2016. It therefore describes the situation until the beginning of that month.



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