

## Media Freedom Rapid Response (MFRR)

Written submission for the European Commission Recommendations on the Safety of Journalists

### Module I

#### **What are the main challenges that journalists face when it comes to accessing venues, sources and information? How have they been exacerbated by the COVID-19 pandemic?**

Even prior to the COVID-19 pandemic, a number of countries had established a number of roadblocks that prevent journalists and media workers from accessing expertise, venues and information. Many of these have been further exacerbated by state responses to the pandemic and states' willingness to use the public health situation as cover for preventing further public and media scrutiny.

During the COVID-19 pandemic, many countries restricted or modified their [right to information laws and regulations](#). For instance<sup>1</sup>, in May 2020, Hungary issued Decree No. 179/2020 which prevented requests for information from being submitted in-person, while also extending the period within which the state was required to respond to requests from 15 days to 45 (this can also be extended once to another 45 days). Countries such as Romania, Bulgaria, Scotland and Serbia followed suit by extending this period, sometimes, as seen in Romania, doubling the number of days journalists had to wait for responses. A number of states went further. Italy, Spain, Slovenia and Poland, oftentimes using states of emergency decrees, suspended deadlines absolutely. The law was further fragmented by countries, including Italy, who established different right to information rules depending on the information requested by journalists.

The COVID-19 pandemic brought with it a requirement for state representatives (both political and medical) to regularly share information with the public. Oftentimes this was delivered through televised news conferences and briefings, which included questions from journalists. These were carried out in person or virtually.

On 16 October 2020, the Maltese government hosted a press conference to announce new developments in the state's response to the COVID-19 pandemic. This was [broadcast live on TVM](#), a network operated by the national broadcaster, Public Broadcasting Services. However, as soon as deputy Prime Minister Chris Fearne asked to take journalists' questions, TVM stopped the live broadcast. When questioned about this,

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<sup>1</sup> For a more systematic analysis of modifications to Rights to Information laws due to COVID-19 <https://europeanjournalists.org/blog/2020/06/19/covid-19-impact-on-access-to-information-in-coe-countries/>

and a similar incident in August, the Broadcasting Authority justified it on the grounds that it was legally obliged to prevent “unexpected questions which may undermine the impartiality of the broadcast and turn a public health broadcast into a party political statement.” In the UK, journalists from openDemocracy and The Sunday Times were barred from participating in the daily UK Government COVID-19 briefings. When confronted with the banning of James Cusick from openDemocracy, the outlet was referred to as a ‘campaigning’ organisation, a term also used to discredit coverage from The Guardian and The Mirror in relation to Dominic Cummings’ potential violation of the pandemic lockdown.<sup>2</sup> A similar approach was taken by the Greek Health Ministry who prevented health editors from attending its [daily health briefings](#), leaving their only engagement available through the written submissions of questions, which would then be read out on air.

This manipulation of access also extended on a number of occasions to health workers. Journalists across the EU faced restrictions on access to hospitals, medical teams and spokespersons. Medical workers were put under pressure not to talk to the media, journalists’ teams were denied access to hospitals and some governments implemented systems whereby all medical related information was to be passed through government spokespersons. In both Serbia and [Hungary](#), journalists were prevented from interviewing health workers, including hospital administrators, doctors and nurses. In Slovenia, the Government Communication Office (UKOM) Director Uroš Urbanija had “forbidden” officials from providing answers to the media or giving interviews. This also extended to denying a number of state officials, including Bojana Beović, head of the advisory group at the Ministry of Health, the Education Minister Simona Kustec and Milan Krek, director of the National Institute of Public Health from appearing on TV broadcasts.<sup>3</sup> The full extent of the restrictions imposed on health workers and the consolidation of state control over policy-makers access to media outlets need to be more thoroughly explored alongside the implications for the rights of citizens to publicly express concerns about issues of public interest.

As outlined in a later question, the COVID-19 pandemic and governments’ responses to it have driven an increase of protests across Europe, coupled with the public interest for journalists to cover them. This has opened up media actors to a range of threats. One of these is the use of COVID-19 restrictions as a mechanism by which state entities, namely police officers, can target journalists. Media actors in Germany, Italy, France and the UK have faced blocked access to protest locations, detention, arrest and fines for covering protests based on COVID-19 regulations. Even outside protests, this dynamic has affected journalists’ freedom to travel. On 7 July 2020 in North Macedonia’s capital Skopje, [journalist Biljana Sekulovska](#) was obstructed from her work and threatened with

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<sup>2</sup> The MFRR sent a letter to the UK Prime Minister regarding a series of threats to media freedom in the UK during the COVID-19 pandemic. The letter and response can be read here: <https://www.mfrr.eu/mfrr-call-on-the-uk-government-to-act-in-a-transparent-manner-that-respects-press-and-media-freedom-in-the-uk/>

<sup>3</sup>

<https://ipi.media/slovenia-government-communication-office-must-stop-controlling-covid-19-news-coverage/>

legal action as she tried to film a police patrol performing checks during the Covid-19 curfew.

The extent to which the pandemic has modified government policies around media access and transparency extends far beyond the public health situation. The cover given by COVID-19 and the need for state responses has also affected media access to unconnected issues. At the beginning of 2021, one of the largest organised crime court cases commenced in Italy. 355 individuals, including politicians and officials, were ordered to stand trial upon request of the Calabrian District Anti-mafia Directorate (DDA) on various allegations, including mafia association, murder, extortion, loan sharking, drug trafficking, abuse of office, and money laundering<sup>4</sup>. This is in connection to the influential 'Ndrangheta crime syndicate. However as the hearing commenced on 13 January a judge in the trial banned all video and audio recordings, using COVID-19 as the justification<sup>5</sup>. While the Court of Vibo Valentia rescinded the ban in March this sent a worrying signal that over-broad interpretations of COVID-19 restrictions can severely hamper transparency and the principle that for justice to be done, it needs to be seen to be done.

The COVID-19 pandemic has reinforced the need for factual, impartial and robust information to be shared to the public, by both state entities and scientific bodies managing the pandemic response. The press plays a vital role in this process. If they are manipulated to avoid greater scrutiny or entrench a pro-Government narrative, it is the public and their trust in institutions that suffers.

This restriction of access was not limited to the COVID-19 pandemic alone. On 2 September 2020, the Bulgarian National Assembly was moved to a new location. While the former building enabled journalists and media workers to mingle and engage with MPs and their guests in all common spaces, the new building's layout restricted access of journalists to politicians and thereby limiting opportunities for them to engage meaningfully with lawmakers. According to [media reports](#), in the new building reporters were consigned to working in the basement and could only see and ask questions of MPs and ministers at specially convened press conferences or outside the building. This significantly reduced their ability to ask critical questions and added additional barriers to their work.<sup>6</sup> Meanwhile, journalists were only able to observe parliamentary proceedings on a live TV screen from the basement. Even though a petition signed by over 60 media workers was shared with the Bulgarian government, as well as an intervention from Associate Professor Dr Diana Kovatcheva, the Ombudsman of the Republic of Bulgaria, Parliament Speaker Tsveta Karayancheva publicly stated that she has no intention of reconsidering the decision.<sup>7</sup>

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<sup>4</sup> <https://europeanjournalists.org/blog/2021/03/03/italy-cameras-banned-from-ndrangheta-maxi-trial/>

<sup>5</sup> <https://www.fnsi.it/processo-rinascita-scott-fnsi-e-usigrai-sbagliato-non-autorizzare-le-riprese>

<sup>6</sup> The MFRR sent a letter to Buglarian Government about this issue that can be read here: <https://www.mfrr.eu/wp-content/uploads/2020/09/Bulgaria-MFRR-Joint-Statement-23-09-2020.pdf>

<sup>7</sup> The MFRR received a response from Associate Professor Dr Diana Kovatcheva, the Ombudsman of the Republic of Bulgaria <https://www.mfrr.eu/wp-content/uploads/2020/09/Ombudsman-letter-BULGARIA.pdf>

Undermining, limiting and attacking journalists' ability to access information, expertise and venues has become a too common tactic to restrict journalists' ability to carry out their work. It is effective due to the complexity of existing right to information laws and regulations and the ability to modify these rules in a manner that is not accessible or transparent to the public or media actors.

### **Which measures are needed to progress in ensuring wide and effective access of journalists to information?**

As the crisis stage passes, there is a real danger that restrictions rushed through in 2020 to counter the 'emergency' will become permanent features of the media landscape unless governments are persuaded to roll back on key measures. Priority must go to

- Removing laws that risk criminalising journalism through seeking to punish fake news
- Reinstating freedom of information norms that were relaxed or suspended
- Preventing the discriminatory abuse of public funds including EU funds, to support pro-government media and exclude critical media
- Restoring the free movement of journalists, to be considered as essential workers, and to exempt them from measures that prevent them from working across borders

The MFRR recommends that the European Commission conducts a full audit on the legislative changes and other measures enacted across the EU and calls for those restricting media freedoms, and other human rights restrictions, to be removed. National governments should also be encouraged and monitored to ensure that all legislative changes brought forward to respond to the pandemic are time-bounded, with full transparency as to the revocation process following the end of the pandemic. A process of evaluation should also be encouraged to ensure lessons are learnt and implemented for future emergencies to ensure the same issues are not replicated.

The World Health Organisation defined the COVID-19 pandemic as an ['infodemic'](#) due to the prevalence of dis/misinformation and propaganda, as well as the importance of factual, independent and accurate reporting. However, as outlined above there are a number of proactive steps that should be taken to ensure journalists can access sources, policy-makers, information and venues. Central to a number of failings that affect media freedom is the complexity of COVID-19 laws and regulations and how media actors are treated within. Distinctions between laws, regulations and guidance in terms of the COVID-19 pandemic breed confusion, both for media actors and state representatives, which could result in curtailed freedom for journalists. Ensuring this situation is proactively addressed during the current pandemic, as well as embedded into all future approaches to emergencies will be vital to offer confidence and clarity to media actors, while also ensuring public interest reporting can continue.

Journalists should be able to report throughout the pandemic, and similar emergencies such as this, free from undue interference from members of the public and state entities. This could be achieved by ensuring they are identified as 'key workers' or are able to

secure proportionate exemptions from restrictions. However, as a number of violations took place in countries where this status has been extended to journalists, such as North Macedonia and the United Kingdom, the implementation of this status needs to include training of police officers and ongoing monitoring of the implementation to ensure they are aware of journalists' protected status to travel and report during the emergency.

### **Which would be the most effective measures to ensure that journalists can report safely from public gatherings?**

As evidenced through Mapping Media Freedom alerts published since 1st March 2020, nearly 1 out of 3 (32.5%) incidents in EU Member States happened during a demonstration. This means that 110 alerts from 11 countries were related to protests, making demonstrations or protests the most frequent context where media actors have been attacked or prevented from carrying out their work. These threats generally emanate from protestors participating in the demonstration or police officers who are posted to oversee the protest. In fact, in 61.8% of Mapping Media Freedom alerts that took place during demonstrations in EU Member States, media actors were attacked or prevented from carrying out their work by private individuals, and in more than every third incident (34.6%) by police officers or representatives of state security. The nature of the threats are diverse and complex, including online harassment, threats and smear campaigns directed at journalists covering protests, physical attacks, damage to journalistic equipment, interference with coverage, arbitrary prevention of movement and access, detention and arrest. This requires a wide range of measures, both proactive to ensure journalists can continue their work and reactive to offer remedies after incidents, across a range of responsibilities.

Mechanisms to protect journalists should incorporate a range of relevant stakeholders to ensure all viewpoints are incorporated into planning, implementation and monitoring. This should include representatives of police and/or security services, local public authorities, and media actors, including journalists' associations and unions. This process should commence prior to the start of the protest and should be embedded within the planning and approval of all protests. This includes processes by which access can be guaranteed through the protest location that is agreed by organisers and police in advance and enforced throughout the protest, as well as designated officials for media actors to report threats and ongoing concerns throughout the protests. This requirement for ongoing communication and coordinated action will also support follow up actions, which should include robust investigation of all violations of media freedom and the collation of information and statistics that can inform planning for future protests.

The responsibility of the police during protests is paramount to ensure journalists are able to travel freely throughout the protest and protect against threats of violence. Further to this they should not themselves be the source of media freedom violations, through disproportionate responses to the protest, acts of police brutality and arbitrary prevention of access, detention or arrest. This can be protected against through compulsory training of police officers dedicated to protests and media freedom obligations and the appointment of designated representatives within the department to coordinate planning and implementation, while also responding to alerts from media

actors and members of the public. Furthermore, it is vital that attacks, threats or abuses of power from police officers during protests should be robustly investigated and all incidents are responded to in a manner that builds trust in the commitment of police officers to protect journalists. This is vital to ensure a climate of impunity does not define the broader media freedom environment and encourage journalists to step away. This goes beyond threats from police officers. Following anti-lockdown protests in Stuttgart in April 2021, [Fritz Frey](#), the Editor-in-Chief of television at Südwestrundfunk (SWR) tweeted out: "Can I expect colleagues to report on Querdenken (lateral thinking) demos in the future? Can bosses still be responsible for sending reporters out?" The severity and frequency of threats during protests have oftentimes forced media actors, outlets and management to take radical steps to protect themselves. For example, after a series of threats to their staff, including verbal harassment, threats of violence and the urination on equipment by protestors, Dutch public broadcaster, NOS removed its corporate logo from all vans in the field.<sup>8</sup>

There are also responsibilities that media outlets need to extend to their employees and freelancers as part of their obligations to their staff (or freelancers). This includes robust and updated training programmes for all media actors, accessible and updated safety plans and regular audits, proactive commitments to advocating for investigations into threats or attacks to journalists, as well as the provision of necessary safety equipment, which should include when necessary Personal Protective Equipment (PPE). This would require significant commitments for planning, implementation and funding from media outlets, companies and owners at a time where funding and advertising revenue for media and press is on the decline.

### **What is needed to ensure that law enforcement authorities better protect journalists on the ground?**

As evidenced through Mapping Media Freedom alerts documenting incidents that happened in EU Member States published since 1st March 2020, nearly one out of five incidents (19.8%) involved violations of media freedom against media actors were carried out by police officers or representatives of state security. This translates into 67 alerts (with 139 attacked persons or entities related to the media) in 11 EU Member States emanating from actions of police officers. Many of the steps outlined in the previous question in relation to police obligations to protect journalists during protests also have utility in a range of other contexts and so shall not be repeated here. The establishment of clear communication and cooperation between police officers, prosecutors, media outlets and associations should be established to frame the broader relationship between these bodies, with protests being only one facet of this collaboration. An example of good practice can be found in The Netherlands with the [PersVeilig](#) platform, which is a collaboration between the police, the Public Prosecution Service, the Association of Editor-in-Chief and Netherlands Vereniging van Journalisten (NVJ). This encapsulates a monitoring mechanism that collates and verifies media freedom

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<sup>8</sup> [Netherlands: Public Broadcaster NOS removes logo from vehicles following increased attacks against journalists](#)

violations, while also establishing a [mechanism](#) by which the participating bodies can communicate and coordinate actions to protect journalists.

Underpinning the interplay between the police and media actors is the dual responsibility of police forces; protecting journalists from threats and attacks from other sources, such as organised crime, members of the public and others; and ensuring they themselves are not the source of the media freedom violations. Ensuring both responsibilities are pursued, police officers need to approach the protection of media actors, and by extension the defence of media freedom, as a central principle that needs to be actively approached during their policing duties. This can be enhanced through compulsory training on the topic, both for new employees, alongside ongoing training for existing officers and representatives within the police whose remit is dedicated to these issues. This can include being a point person for media actors (as outlined above), offering a confidential and welcoming point for whistleblowers within the police for acts that threaten media freedom and investigating violations of media freedom that emanate from police.

The European Centre for Press and Media Freedom, European Federation of Journalists, Index on Censorship, Osservatorio Balcani e Caucaso Transeuropa (OBCT), Ossigeno per l'informazione, South East Europe Media Organisation (SEEMO) and the Syndicat des Journalistes de la CGT collaborated on the [Press Freedom Police Codex](#). The codex includes eight important guidelines<sup>9</sup> on how the police should interact with journalists. These directives should be used by the police when dealing with journalists in all EU Member States and Candidate Countries. The rules should guide individual police decisions, raise awareness of press freedom violations carried out by the police, and enhance the relationship between both professions. This is currently available in English, German and French and offers an important framework to mediate the relationship between media actors and the police.

The importance of addressing this issue is not limited to contemporary threats. Historic failures of the police to protect against or investigate threats and attacks against journalists continue to inform and shape the media landscape. In 2018, Montenegrin journalist Olivera Lakić, formerly working for the daily Vijesti, was [shot in the leg in front of her apartment building](#). In March 2012 a tracksuit-clad man assaulted her, again in front of her apartment. While the perpetrator in the 2012 attack was convicted, and nine people were arrested following the shooting, no convictions have been secured. Nearly three years on, the crime remains unsolved. This is not left unnoticed by those seeking to silence critical reporting. At the end of the 2020, the special state prosecutor in Montenegro announced that two suspects have been arrested for [planning Lakić's assassination](#). They are alleged to be members of the same criminal organisation behind her 2018 shooting.<sup>10</sup> Inaction or inadequate action from the police can not only dissuade victims of attacks from continuing their work, it can also define the broader environment and enoble those who seek to silence critical journalism through violence. As

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<sup>9</sup> The codex can be viewed here: <https://policecodex.eu/>

<sup>10</sup> The MFRR sent a letter to Montenegrin authorities calling for police protection for Olivera Lakić <https://www.mfrr.eu/montenegro-mfrr-calls-for-urgent-police-protection-for-olivera-lakic-following-assassination-threats-made-against-her/> available in both English and Montenegrin

demonstrated in Malta, Slovakia, Malta and Northern Ireland, this legacy of impunity, while not limited to the responsibility of police alone, represents an issue of central importance to ensure journalists are able to continue their work free from threats of violence or intimidation.

These cases outlined above also demonstrate another key responsibility for the police in terms of protecting journalists, through police protection. This is often necessary when legitimate threats against journalists are known and verified that could place the journalist in jeopardy, even when the timing is unclear. To respond to these high-risk situations, police are required to coordinate with relevant government ministries and other authorities, as well as the journalist to ensure the necessary and proportionate protection can be offered. This coordination is of paramount importance as protection arrangements may need to be deployed within a short time span for an undisclosed period of time. Encouraging this collaboration, further enhanced by the sharing of accurate information, both within the participating bodies, as well as with key media stakeholders such as outlets, associations and unions, will ensure this process is agile, funded and flexible enough to respond to threats to journalists that can operate while investigations of the threats can also be carried out. An example of this approach is the coordination centre that has been established in Italy to monitor and analyse threats to journalists that can be incorporated into decisions by the police to offer police protection (more below).

### **In which areas should social security schemes be reinforced or extended to better protect journalists in need?**

The health crisis showed that there is a vital need for trustworthy and reliable information. In fact, media outlets and journalists faced a double challenge.

On one hand, all media taken together experienced a sharp increase in consumption. Reporters and media workers were in the front line – they were our ears and eyes when most citizens were required to stay at home.

On the other hand, European media have faced huge fall in revenues which has aggravated an already downward trend, in particular for newspapers, periodicals and radio broadcasting. It meant falling wages for journalists, in particular freelancers. The reality on the field also revealed difficult access to information, physical attacks and even detention for many journalists.

The German Journalists Association (DJV) has conducted [a survey on the economic impact of the Covid-19 pandemic on Freelance journalists in Germany](#). About one year after the beginning of the crisis, the results show that many freelance journalists face an increasingly precarious situation due to insufficient support. The European Federation of Journalists (EFJ) joined its German affiliates in drawing attention to this particularly vulnerable group of journalists and in calling for improved financial mechanisms to address this issue.



The survey found that the average annual income of freelancers decreased by 25% to 25,500 euros in 2020. More than two thirds of freelancers reported a decline in work assignments, half of them recorded losses of more than 50%. One in ten no longer received any assignments at all. Moreover, almost every fifth person had to liquidate their pension assets and merely 25% received financial support or social benefits from the state.

Freelance journalists throughout Europe lose work, receive lower fees and many eventually leave the profession. This brain-drain has an unprecedented impact on journalistic work and the people's right to know, in particular at local level.

The EFJ has published [an overview on government support to media and journalism including freelance journalists](#).

The EFJ repeatedly called on national governments and EU institutions to support journalists in an independent way with emergency reliefs and recovery plans.

The media sector needs governments, international and regional inter-governmental organisations and media funding bodies to provide vital support by taking extraordinary measures. Instead of corporate tax cuts or social security cuts and stock buybacks, the EFJ demands targeted measures that will put more reporters on the ground..

The EFJ defined 6 recommendations for the News Media Forum on safety geared at sustainable and fair rights for freelance journalists:

- Member States (MS) should work on **strengthening their social security schemes** in order to ensure protection of journalists in case of unemployment, illness, and professional risks, **independent of their employment status**;
- Social security schemes should entail the **right to paid holiday** as job protection and benefits are not dependent on employment status. Paid holiday is an important social right and going without breaks can threaten your health, in a time when mental health problems are on the rise.
- Member States should guarantee **training on (digital) and physical and mental safety for all journalists independent of their employment status**, and in particular for freelance journalists; training – if possible within university curricula should include new ways of financing journalistic work;
- MSs should oblige employers to allow freelancers and self-employed journalists and media workers a **written contract with fair terms and rates and fair remuneration from authors' rights, prompt payment and equal treatment at work in terms of health and safety**;
- The EU and MSs should make **collective bargaining for freelancers and self-employed workers possible and prevent EU competition law to stand in the way**, see ongoing public Consultation ([https://ec.europa.eu/commission/presscorner/detail/en/ip\\_21\\_988](https://ec.europa.eu/commission/presscorner/detail/en/ip_21_988))
- Any **support mechanism should be user-friendly, not bureaucratic, transparent** and reflecting the specific, often precarious framework freelancers work in.

Solidarity funds should support at arms' length innovative stories to be produced by (freelance) journalists.

The EU and national media recovery plans should include:

- Increasing national funding for public media;
- Direct financial support for daily and weekly newsrooms (direct, emergency subsidies to fund newsroom jobs at commercial outlets committed to local coverage; deferred or no-interest business loans; tax credits on newsrooms staff wages; household tax credits for paid subscriptions to local news outlets; increased EU or government public-service advertising in local outlets...). Subsidies will be distributed by an independent body, taking into consideration objective criteria (safeguarding of jobs in the newsroom, demonstrated loss of advertising revenue, endangered independent local media...);
- EU and National News Innovation Funds to support new approaches to newsgathering, specifically at local or community level (EU Public Interest Media Endowment grants to support independent, community-based, investigative journalism and news start-ups, among other innovations (these funds could be sustained through a 2% tax on targeted online ads on online platforms).

The EFJ also joined the demands of the International Federation of Actors (FIA) and the Media, Entertainment & Arts Sector of UNI Global Union (UNI-MEI) to support the economic sustainability of the creative sector:

- Economic relief and stimulus packages are directed and tailored to the specific needs and practices of the sector.
- Temporary and non-restrictive frameworks addressing state aid are put in place in a swift manner. Tax regimes are adapted during the crisis to ease pressure on companies and workers alike.
- Payment of employers' social security contributions are postponed wherever necessary (not deleted but postponed).
- Funding bodies adapt their rules to provide the best possible support for interrupted projects and provide flexibility with respect to project applications.
- Direct subsidies are granted to help cover immediate fixed costs, including employment. Subsidies should be preferred to loans.

The EFJ calls on the European Union and the European governments to specifically support **freelance and self-employed workers**. Many of them may not have enough social benefits to fall back on during this crisis and may thus face a critical situation. We recommend in particular that:

- All workers in our sector, including freelance and self-employed, are equally encompassed by economic and social relief packages directed to the media sector with a view to retaining employment and skills.
- Workers' compliance with stay-at-home confinement injunctions does not come at the expense of their accrued leave entitlements.

- Access to social benefits and sick pay is guaranteed without restrictions or waiting periods for all workers and entry thresholds lowered or otherwise adapted.
- Temporary loss of employment due to confinement measures does not prejudice access to such benefits.
- Access to unemployment benefits is extended to withstand the length and protracted effects of the crisis and qualifying periods revised to absorb the full length of inactivity due to compliance with confinement measures.
- Funds for freelance and self-employed workers in our sector are set up by public authorities to compensate for lost income due to sickness, family care duties or confinement measures that cannot be compensated otherwise.

**Which of the actions listed in the section above (see Module I text in discussion note) would be the most effective and would bring the most added value for journalists' protection?**

The most effective actions would be the following (in order of priority):

1. The European Commission should ensure that the European Democracy Action Plan's recommendations on media pluralism, independence of media regulators and journalists' safety lead to demonstrable improvements to the lives and work of journalists on the ground. EU Member States should provide their full support, where necessary, for its successful implementation.
2. Member States should work on strengthening their social security schemes in order to ensure protection of journalists in case of unemployment, illness, and professional risks, and extend these schemes to freelancers and self-employed journalists.
3. Member States should recognise and ensure the special role of journalists during public gatherings and demonstrations.
4. Member States should ensure that their enforcement authorities carry out, on a regular basis, dedicated training for police forces to equip them with skills enabling them to better protect journalists, especially during events at risk of turning violent.

## **Module IIa**

**What are the main challenges with regard to addressing the threats to physical safety of journalists?**

In the past years, we have seen a sharp increase in the amount of physical threats and violence against journalists in EU Member States. Mapping Media Freedom documented 81 incidents where media workers have been physically attacked in 12 EU Member States (with 165 attacked persons or entities related to media) since 1st March 2020. This means, in more than 1 out of 5 (23.9%) of all documented incidents media actors were physically attacked. In every 10th incident (10.0%) media actors were injured. There is no single source, with 70.4% of the 81 incidents involving physical attacks emerging from public individuals and 22.2% from police or state security representatives.

This has been exacerbated due to the COVID-19 pandemic. Since the pandemic broke out, the levels of intimidation, harassment, interference and censorship of journalists in carrying out their duty of delivering reliable information has increased. One reason is to be found in COVID-19 related measures and policies adopted by governments. Especially critical questions about the way their respective governments handle the pandemic were met with threats and intimidation. At the time of writing this submission, 110 media freedom violations against journalists and media houses in relation to COVID-19 were reported since the beginning of the pandemic in EU Member States.

Another factor that has further deteriorated the safety of journalists is the rising violence during protests. In recent demonstrations around the world, we have seen excessive state violence against journalists covering protests, which has resulted in a dramatic increase of press freedom incidents, emanating from both protesters and police. In Serbia, demonstrators and police attacked 28 journalists covering the July protests in different cities against the government's decision to apply new restrictions to fight the COVID-19 pandemic<sup>11</sup>. This situation has replicated across Europe, with protests in France, Italy, Germany, The Netherlands, United Kingdom and others resulting in a range of violent attacks on journalists and media workers. Addressing these threats has proven difficult. Albeit certain improvements such as the installment of national protection mechanisms in individual member states, addressing the threats to journalists requires action. Ways of addressing these threats can be divided into prevention of physical violence, protecting journalists when they are already at risk, and serving justice after a journalist has been physically threatened or harmed.

### *1. Prevention*

Physical attacks and killings of journalists do not come out of the blue. Almost all incidents of violence against journalists, and in the most extreme cases murder, were preceded by threats or harassment. This can occur in different forms. First of all, physical violence often follows legal harassment. For instance, murdered investigative journalist Daphne Caruana Galizia received numerous (death) threats and on the day of her murder there were [47 ongoing defamation cases](#) against her. Acting in response to threats and intimidation can therefore be an important way to counter these extreme forms of violence and combat impunity.

Moreover, increasingly the way for crimes against journalists is paved by anti-media rhetoric used by political leaders and other powerful actors. In European states, political leaders such as Hungarian Prime Minister Viktor Orban have frequently accused journalists of spreading "fake news", and declared independent journalists as enemies of the state. Such rhetoric of questioning the reliability and independence of the media is exacerbated by the increased circulation of disinformation. This leads to more unclarity about the truth of sources, which further fuels public questioning of the credibility and the intentions of journalists. Such constant public undermining of the credibility of

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<sup>11</sup> The MFRR sent a letter to the Serbian government (in English and Serbian) following the large number of attacks during the July protests  
<https://www.mfrr.eu/serbia-mfrr-calls-for-all-journalists-and-media-workers-to-be-protected/>

journalists contributes to demonisation of media workers and has serious consequences for the safety of journalists. It may fuel violence and abuses against journalists.

Finally, online harassment can be a predictive indicator of physical violence. New research by PEN America shows that in some cases, online violence may tilt over to the physical world. In these instances, it may lead to physical violence or even killings.<sup>12</sup> Mapping Media Freedom documented 163 alerts where media actors have been verbally attacked in 20 EU Member States since March 1st 2020 (with 275 attacked persons or entities related to media). In 16.6% these verbal attacks were accompanied by physical assault, in 16.6% by attacks to property, in 10.4% by legal consequences, in 4.3% by censorship. The main attackers/aggressors of verbal attacks are private individuals with 54.0%, followed by legislation with 14.1%, Unknown 14.1%, police/state security 13.5%.

Hence, addressing physical threats against journalists begins by identifying threats as a spectrum of violations, with countering of legal and verbal threats as an important step to prevent the escalation into physical threats. There should be a commitment to systematic change by taking the initiative and expending resources and political will to improve the climate for the safety of journalists. However, taking preventive action against rising threats against journalists must be led by and championed by all relevant public authorities. Unfortunately, too often public officials do not take a stance against rising threats, or even take an active stance against independent journalists, hereby deteriorating their safety.

## *2. Protection*

It is crucial that once journalists become a victim of physical violence, they receive protection and emergency support regardless of the circumstances and at the soonest possible moment. Journalists need practical, prompt support when they face violence. Police forces are crucial here. Yet in too many instances, journalists don't receive physical protection from the police. In the Netherlands, in March 2021 two journalists were attacked while reporting on a church ceremony in [Urk](#). The police did not interfere immediately, but only after some time had passed, allegedly because they were afraid to escalate the situation.<sup>13</sup> In other instances, it is the police force itself that brings journalists in danger. Especially during protests, too often journalists are physically wounded because they are perceived as an enemy, or treated as protestors. For example, this has been seen in the [protests against government responses to the COVID-19 pandemic in Serbia](#) which took place in July over 5 days, which resulted in 28 journalists and media workers being attacked by demonstrators and police officers in different towns and cities across the country. While being the victim of indiscriminate policing and attempts to prevent information being shared regarding policing tactics, journalists in Serbia were also attacked or detained by police after presenting their press IDs.

Each EU member state must have an effective system to provide journalists with a prompt political response and immediate protection in an emergency. Yet all too often,

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<sup>12</sup> <https://pen.org/wp-content/uploads/2021/03/no-excuse-for-abuse-executive-summary-FINAL.pdf>

<sup>13</sup> <https://www.nvj.nl/nieuws/nvj-wil-gesprek-politie-en-over-incidenten-tegen-journalisten-urk>

political will to address threats to journalists in a preventive way is lacking. Besides provocative rhetoric used by political actors who in fact should be protecting journalists, protection often arrives slowly, as seen in the recent threats against Olivera Lakić in Montenegro.<sup>14</sup>

### 3. Prosecution

Finally, it is essential that all perpetrators of crimes against journalists are promptly brought to justice. By bringing all crimes against journalists to justice, states send a clear message that violence or intimidation will not be tolerated, and that perpetrators will be immediately prosecuted for their actions. Pursuing justice for threatened journalists is essential to preventing future threats. States must ensure accountability for all violence and intimidation against journalists through swift, impartial and effective investigations. Crimes against journalists should be investigated through specific investigation protocols, and gender-specific attacks on women journalists should be specifically recognized.

Yet all too often, perpetrators of journalists and the orchestrators behind such crimes remain unprosecuted. Globally, only 1 out of 10 killings of journalists is solved. Also within Europe, bringing justice to journalists has proven difficult. In certain cases, while the actual executors of an assassination receive a sentence for their crime, the party who commissioned, planned or funded the crime remains unpunished. For instance in the case of the murder on Slovak investigative journalist Jan Kuciak and his wife, the alleged mastermind of the assassination, the business man Marian Kocner, was acquitted.

#### **What are the examples of best practices aiming to address the issues related to physical attacks on journalists?**

In the Netherlands, safety of journalists has received extra attention from the national police, the public prosecution service and organizations for media professionals through the PersVeilig initiative that was launched on 1 April 2019. Within the PersVeilig initiative (described above), specific attention and an individual budget is devoted to the safety of freelance journalists. PersVeilig supports Dutch journalists who have been faced with threats, intimidation, or violence. In addition, there is close cooperation with the public prosecution and national police which means that cases of journalists are treated with priority and that perpetrators of violence against journalists are prosecuted more severely.

Mechanisms established to protect journalists must reflect the reality for journalists working in the country. While there are learnings from other countries that can be incorporated or used as a baseline for improvements, it is vital that all are tailored to the threats and experiences of journalists and media workers. An example of this is the Italian Coordination centre of the activities of monitoring, analysis and permanent information exchange on intimidation acts against journalists (Centro di coordinamento sul fenomeno

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<https://ipi.media/urgent-protection-required-after-assassination-threats-against-montenegro-journalist-olivera-lakic/>

degli atti intimidatori nei confronti dei giornalisti<sup>15</sup>). Created in 2017, the coordination centre is chaired by the Minister of the Interior and includes representatives of the police, the Federazione Nazionale Stampa Italiana (FNSI) and of the Italian Order of Journalists. It monitors, analyses and shares information<sup>16</sup> related to threats against journalists and promotes studies and undertakes independent research to produce recommendations and identify strategies to prevent and tackle threats. Responding to this monitoring work, the coordination centre plays a vital role in decisions made to place journalists or media workers under varying levels of police protection due to threats that emanate from a range of bodies, including organised crime and political extremists. As of July 2020, 21 journalists were under varying levels of police protection and 191 others were provided with less comprehensive 'protection and vigilance' measures.<sup>17</sup>

The coordination centre and the subsequent police protection models offered in Italy represent some of the most significant structural protections in place across Europe. They also demonstrate the significant threats, especially from organised crime, that journalists and media workers have to endure to continue working. This represents another significant requirement for all mechanisms aimed at protecting journalists. To function as intended and to offer meaningful protection these mechanisms need to be well-funded and resourced, with access to the necessary expertise to ensure their work can be completed. It also needs to be independent and protected from political interference, which includes ensuring the funding of these mechanisms are also out of reach from political pressure. In 2018, after Roberto Saviano, an Italian journalist living under 24/7 police protection wrote an article criticising Matteo Salvini, Italy's then-interior minister, Salvini threatened to revoke Saviano's police protection, citing cost concerns and a need to "evaluate how Italians spend their money"<sup>18</sup>. For the mechanisms to work and for them to be trusted by media actors, safeguard to protect against interference that guarantee the independence of the mechanism must be built into its foundations. Further to this, as outlined in a later chapter, for these mechanisms to function they require all relevant parties including state entities to fulfil their obligations. Without this collaboration the mechanism will be isolated and unable to muster the resources or trust necessary to protect journalists and media workers.

### **Do you consider there should be more coordination between Member States to ensure protection of journalists? What are the obstacles to such coordination?**

Closer cooperation between member states can be beneficial in a number of important ways that reflects the cross-border nature of modern journalism and the threats journalists and media workers face, this includes:

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<https://www.interno.gov.it/it/ministero/osservatori-commissioni-e-centri-coordinamento/centro-coordinamento-sul-fenomeno-atti-intimidatori-nei-confronti-dei-giornalisti>

<sup>16</sup> Here is the latest analysis of threats to journalists in Italy

<https://www.interno.gov.it/it/stampa-e-comunicazione/dati-e-statistiche/i-dati-sul-fenomeno-atti-intimidatori-nei-confronti-dei-giornalisti>

<sup>17</sup> Update was offered as an answer to a parliamentary question on 17th July 2020

<https://www.camera.it/leg18/410?idSeduta=0374&tipo=stenografico>

<sup>18</sup>

<https://www.theguardian.com/world/2018/jun/21/matteo-salvini-threatens-to-remove-gomorra-rah-roberto-saviano-police-protection>

- Cross border cooperation is essential in investigations into crimes against journalists such as the killings of Jan Kuciak and Daphne Caruana Galizia
- Investigative journalism is the most dangerous form of journalism and inevitably it involves the investigation of cross border crimes. Therefore any commitment to ending impunity for those who kill, harm, threaten or intimidate journalists needs cross border cooperation
- Cross border cooperation should also be encouraged at the civil society / media level to encourage and strengthen capacity of non-state actors to support and protect journalist safety, through journalists associations and unions, editor groups, advocacy and support groups
- Member states can learn from best practice safety plans and instruments deployed in other states. Member states should be able to learn strategies on how to resist and protect journalists. This should also encourage Member States to share key learnings from their experiences that could be addressed or improved on by other states. This can involve:
  - Better policing standards during demonstrations that enable journalists to report safely
  - Better initiatives for police action against those who threaten or attack journalists
- Closer cross border coordination between member states also enables and encourages the sharing of norms and standards that can strengthen and underpin national mechanisms developed to protect journalists. This can also inform how member states approach and engage with mechanisms, regulations or action developed on the European level.

**Which measures at national level should be further developed to ensure transparency of investigations and proceedings concerning crimes committed against journalists and to tackle impunity for such crimes?**

Impunity fosters an atmosphere that undermines media freedom and dissuades journalists from continuing their work. A vital measure by which it can be addressed is supporting and calling for methods by which judicial and investigative processes are improved and are in line with best standards. While also strengthening the broader legal landscape for the society as a whole, not just media actors, this would build trust in journalists that any crime or media freedom violation would be met by a structural response that has been tested and is as transparent as possible. This would also dissuade those seeking to carry out attacks due to the perceived likelihood of investigation and ultimately, justice.

Crimes against journalists seldom come out of nowhere. To ensure the specific crimes can be investigated, while also contributing to a broader investigation into the factors that made the crime possible, public inquiries can be a powerful mechanism to structure this broader structural investigation. While this should not replace specific criminal cases against perpetrators, an independent, impartial and effective inquiry can offer an important picture as to what needs to change to ensure the crime cannot happen again. The public inquiry into the assassination of Daphne Caruana Galizia in Malta is a cautionary tale that demonstrates both the potential impact of this approach, but also



ways in which it can be threatened. Learnings from this process should be explored and shared across Europe to ensure all future inquiries into crimes against journalists do not replicate the documented failings and are in line with best international standards.<sup>19</sup>

A number of countries across Europe have established mechanisms to coordinate responses to media freedom violations. The remits and structures differ - some for instance are dedicated to historic violations during periods of conflict or instability, such as the [Commission for the Investigation of Murders of Journalists](#) in Serbia, while others work as contemporary threats emerge - but the principle of an independent, robust and well-resourced commission to both contribute to protection mechanisms for journalists and to oversee and observe the actions of state entities is an important approach to media freedom. Whatever the remit, the implementation is key. The commissions need to be well-funded and resourced. Their remit, role and tenure should not be open to political manipulation or interference and their mandate should be clear, both to the commission representatives themselves and other relevant state bodies.

The experience of the Commission for Monitoring Investigations of Attacks on Journalists in Montenegro also highlights the increased responsibilities for police and prosecutors to ensure the commissions can work as intended. As identified in an MFRR virtual fast-response mission<sup>20</sup> in September 2020, commission representatives stated that "prosecutors have not submitted documents in the last nine months, including documents related to the attempted murder of Olivera Lakić, and their only recent release of records required concerted public and press pressure." Commissions of this nature can only function as intended with state authorities and other relevant stakeholders committing fully to their legal obligations.

Both commissions and inquiries are also strengthened by an in-depth understanding of the different dynamics that are at play, both in terms of journalistic reporting and threats to media freedom. This includes organised and financial crimes that are oftentimes cross-border in nature. This required specialised expertise and committed resources to ensure these factors, that oftentimes inform the funding and commissioning of threats to journalism and so contribute to the broader media freedom landscape are investigated to its fullest extent.

### **What could be the role of self-regulatory bodies (media and press councils) or journalists' associations in ensuring higher standards of journalists' protection?**

Self-regulatory bodies are essentially set up to maintain journalistic standards. Some also have a broader role in promoting public media literacy campaigns to better understand the role of media. This is crucial for helping fight disinformation and propaganda media and educating the public to distinguish between them. Such campaigns are also

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<sup>19</sup> The MFRR coordinated a submission into the public inquiry in Malta that outlined the structural failings and political interference into the inquiry, as well as a number of recommendations that can improve the process, both in Malta and other countries

<https://www.mfrr.eu/wp-content/uploads/2021/04/Submission-to-Public-Inquiry.pdf>

<sup>20</sup> The full report from the virtual mission can be read here:

[https://www.mfrr.eu/wp-content/uploads/2020/12/ECPMF-FFM-Montenegro\\_2020-FINAL.pdf](https://www.mfrr.eu/wp-content/uploads/2020/12/ECPMF-FFM-Montenegro_2020-FINAL.pdf)

important for demonstrating that investigative journalism that exposes corruption or critical journalism that you may not agree with is essential for maintaining our democratic culture. Such bodies can also help lead discussions with political leaders on how to maintain standards in public discourse to avoid the targeting and scapegoating of journalists by politicians that can be so dangerous in creating a hostile environment against journalists, which is fertile ground from threats and violence aimed at media actors.

Press councils, which include representatives of civil society, also play an essential role in restoring trust in the media. It is a medium- to long-term response to actors who disseminate anti-media rhetoric with the aim of discrediting journalists.

Journalists' unions, associations and editors' groups have a key role in advocating for high levels of journalist protection, in monitoring and advocating on behalf of victims and in providing resources, equipment, training and legal support to journalists. Journalists' groups are often best placed to understand the needs of their members and to provide support. This is however very expensive and most journalists organisations do not have the resources to provide the necessary support.

**Which of the actions listed in the section above would be the most effective and would bring the biggest added value for journalists?**

To address the worrying trends described above, the following actions could be implemented at national level (in order of priority):

1. The EU should promote coordinated, consistent and effective implementation of the Council of Europe Recommendation (2016)<sup>4</sup>. Member states should facilitate reforms of laws and practices, including national security, defamation and access to information provisions, ensuring full participation by independent media, journalists' organisations and civil society stakeholders.
2. Member states should apply best practice regarding police protection of journalists' safety at public events, legal provisions against obstruction of media workers, de-escalation mechanisms, and effective complaints procedures so that abuses are prosecuted or lead to disciplinary actions.
3. Member States should adopt a coordinated approach to ensure the protection of journalists including establishing a single independent body/point of contact to serve as a rapid response mechanism to support journalists under credible threat. The body could also provide psychological and legal support for journalists and their families who have been victims of violence. In addition, such bodies could also provide support in the area of digital security, for instance by connecting media actors with technology experts. It could also be responsible for ensuring availability and accessibility of an emergency hotline for journalists. This body should liaise closely with but be independent from law enforcement bodies.
4. Member States should ensure easy access to information on available legal means that journalists can rely on, after having been victims of an attack linked to their professional activity. Member States should actively encourage dialogue

between law enforcement authorities and journalists, through the involvement of media self-regulatory bodies **and journalists' organisations**.

## **Module IIb**

### **What are the main threats and biggest challenges that journalists are facing online?**

For many journalists, online harassment and threats are part of their work and has been normalised to the extent that has become expected as part of the job. Although this is a universal problem, women are disproportionately targeted by online harassment, threats and intimidation, with specific forms of abuse. This includes attempts to discredit their work due to misogynistic stereotypes, as well as threats of sexual violence, such as rape aimed at the journalist or their family.<sup>21</sup> Online platforms, while also being a platform for abuse and media freedom violations, can also facilitate other violations. A key example of this is the act of doxxing, where private information, such as personal contact details, medical history, address and other personal sensitive data is unlawfully accessed and shared without the target's consent. This is often used to either intimidate a journalist into silence or is directed as a punitive measure to punish critical journalists.

As seen in a number of protests in Germany, online platforms such as social media platforms and peer to peer communications platforms (such as WhatsApp and [Telegram](#)) have been used to coordinate abuse and attacks against journalists.

### **Which measures at national level would be the most effective to protect journalists online?**

As highlighted by International Press Institute's [On The Line](#) campaign to mitigate the impact of online harassment, a key step towards addressing this form of threats is identifying the different types of harassment campaigns as the first step towards addressing their impact. For example, being able to differentiate between organised smear campaigns that are coordinated and feature multiple online personas and isolated online attacks from standalone users is vital to ensure that any response responds to the specificities of the threat, not a generic approach that could leave the journalist exposed.

This, and other important dynamics, demonstrate the importance of specialised bodies within relevant state entities, including the police, who have the resources, commitment and expertise to offer tailored and substantial preventative and reactive measures to protect journalists. Online threats can both escalate to offline attacks, while also exerting a severe impact on the media actor themselves. This demonstrates the need to build institutional understanding of the severity of these threats, while also acknowledging that proactively addressing these threats at this stage could prevent future serious attacks. This requires approaches to tackle online threats to be embedded within any action plans to protect journalists as part of a holistic and structured approach.

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<sup>21</sup> Beijing +25 –The 5th Review of the Implementation of the Beijing Platform for Action in the EU Member States', European Institute for Gender Equality, 22 November 2019, page 111.

Further to this, it is vital that police officers, prosecutors and other state authorities take reports of online threats from media actors seriously and commit to meaningful action. For example, there has been a significant number of online threats to journalists in North Macedonia. The Association of Journalists of Macedonia (AJM) has [monitored 50 attacks](#) which have been reported since 2015, with only 10% of cases ending in prosecution of the perpetrators. This has outlined a failure in state responses to reports, with a number of cases where journalists have approached the police who have refused to commence an investigation and open a formal case, instead recommending the journalist bring a civil lawsuit against the perpetrator. Due to the cost and time needed to undertake this, alongside the significant impact the case would have on the journalist, this is not a sustainable nor meaningful way to protect journalists. Instead it isolates them by making them believe there is nobody else in a position of power to ensure they are protected.

As outlined above, greater coordination between state entities and other relevant stakeholders such as media outlets and journalist associations and unions on an ongoing and collaborative basis will establish the necessary framework for issues around online harassment, attacks and smear campaigns to be addressed.

To address the above issues, the following actions could be taken at European and national level (in order of priority):

1. Member states must enact adequate laws and institutional safeguards to prosecute and deter online abuse against journalists; taking particular care to counter targeted abuse against female media workers.
2. Member states should undertake to investigate and prosecute online threats and abuse against journalists in line with existing laws. Member state action to deal with the phenomenon of online harassment must strictly uphold international standards on freedom of expression.
3. Legal obligations placed on online platforms to moderate speech must be subject to scrutiny to ensure that these obligations comply with international free expression standards, and promote transparency and an independent appeals process.
4. Politicians and officials must cease verbal attacks on journalists that can be seen to fuel further online harassment and intimidation of journalists, and should condemn such online attacks on journalists when they occur.
5. Member States should encourage online services to foster self-regulatory mechanisms aimed at promoting the civility of online discussions (for instance by requiring users who would like to comment to use their real names).
6. Member States should encourage their media authorities and other competent bodies to establish dedicated units specialised in collecting data, information and best practices related to online harassment and threats to journalists. Such authorities should present regular reports on their findings.
7. Member States should promote a regular dialogue between media self-regulatory bodies (media and press councils), journalists' associations and industry representatives as well as support regular cyber-awareness trainings in view of boosting digital skills among journalists.

8. Member States should ensure that journalism schools and newsrooms include obligatory cyber- security trainings in their curricula. For instance, IPI has developed training for newsrooms on how to protect staff from online harassment.<sup>22</sup>
9. Member States should foster initiatives aimed at providing protocols and training programmes for all relevant authorities involved in online safety and the protection of journalists.

## Module III

### What are the main threats to female journalists and journalists representing or reporting on minorities?

The landscape that women have to navigate is complex and includes a wide range of dedicated threats and risks that may not be faced by their male colleagues. As outlined in previous questions, online harassment, threats and smear campaigns disproportionately affect women and cause significant risk, encourage them and others to step away from the industry and contribute to a homogenised disproportionately male media environment. An analysis of the existing support and gaps in provisions within Europe was prepared by Osservatorio Balcani e Caucaso Transeuropa (OBCT)<sup>23</sup> as part of the MFRR. In it, women journalists were identified as one of the three most vulnerable groups in the European media ecosystem. In this, the specificity of threats to women was elucidated by a number of interviewees. For example, Kersti Forsberg, Director of the Fojo Media Institute in Sweden, stated "if you are a woman it's also quite common that [a threat] is describing what they want to do with your body, threats of rape and sexual abuse". This abuse can also extend to their family. [Patricia Devlin](#), a crime reporter for the Sunday World newspaper in Northern Ireland, faced a barrage of gendered online abuse and threats due to her coverage. While being threatened with being shot or the victim of a car bomb attack, a former paramilitary and extremist also threatened her infant son with rape due to her reporting.

Journalists of colour also face a range of threats as a result of their work. This can include being singled out due to their ethnicity, especially when covering extremist groups or individuals, in public or during protests. In the UK, on 10 May 2020, [Sima Kotecha](#), a journalist working for the BBC had to cancel a live broadcast after she and her team were subjected to racist comments. This is not isolated to members of the public. In August 2020, Turkish journalists, [Çağdaş Kaplan and Bercem Mordeniz](#) were arrested, detained and charged after documenting a police arrest of another individual in Athens. As they were being transported to the Acropolis police station, both journalists reported being the victim of racist abuse by the arresting officers due to them being perceived as foreigners. The charges against Kaplan for his reporting have another concerning element as he is currently seeking asylum in Greece due to threats he received in Turkey.

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<sup>22</sup> IPI's On The Line campaign established a process by which newsroom can identify and mitigate the impact of online harassment <https://ipi.media/programmes/ontheline/>

<sup>23</sup> The Needs and Gaps Analysis can be read here: <https://www.balcanicaucaso.org/eng/Occasional-papers/Interviewing-journalism>

Were he to be found guilty his request for asylum may be jeopardized, opening himself up to continued threats were he deported to his home country. Immigration status exerts a significant pressure on journalists (including those in Europe in exile) and could encourage them to step back from public interest reporting. While reporters in Spain, Greece, Malta and Italy have been targeted for reporting on the treatment and wellbeing of refugees, this can also be used against journalists of colour who are citizens in Europe but are perceived to be foreigners, immigrants, refugees or asylum seekers, solely due to their ethnic identity. This opens them up to broader harassment or abuse based on politically motivated attacks against immigrants, which has increased across Europe.

Jewish journalists have also been the victim of antisemitic abuse, as well as being targeted by conspiracy theories that deploy antisemitic tropes. [Dunja Hayali](#), journalist and news anchor for German public broadcaster ZDF received a letter which included violent and antisemitic abuse, calling Judaism a crime ('Judentum ist nur Verbrechen'), comparing Hayali to animals and vermin, while also evoking the image of the Holocaust. The letter was signed off with 'Heil Hitler'. Similar slurs against journalists, including [alleged complicity of journalists in the holocaust](#), were included in protest placard in an anti-lockdown protest in Leipzig. At the same protest, in a [Telegram chat for protesters](#), one member justified an attack on a journalist reporting for the "Jewish Forum" (Jüdisches Forum) by writing "He deserved it, otherwise there would have been even more Jewish press about us. People, you need to see it, we need to fight back, no more moaning".

Threats to marginalised communities, both as subjects of reporting or the media actors themselves, can also originate from the state, through the encouragement of abuse, as well as prejudicial legislation and regulation. In both Hungary and Poland, LGBTQI rights have been eroded as part of the government's legislative agenda and this has manifested through a number of threats to media actors. On 21 January 2021, [Piotr Żytnicki](#), a journalist at Polish daily newspaper Gazeta Wyborcza was subjected to a homophobic attack during a live YouTube sermon by a suspended Catholic priest. During the broadcast, the priest called the journalist 'perverted', as well as suggesting that Żytnicki might consider committing suicide because of his sexual orientation. In [Hungary](#) this animus towards LGBTQI community has also informed regulatory actions. On 4 March 2021, the Media Council of the National Media and Infocommunications Authority (NMHH) initiated legal proceedings against RTL Hungary media group for broadcasting an advert on TV which was aimed at raising awareness and acceptance of LGTBQI families.

### **Which measures would be the most effective to increase transparency of instances of violence and harassment against female journalists and journalists representing or reporting on minorities?**

Detailed and granular monitoring and reporting of incidents is vital to ensure that all responses and protection mechanisms are based on verifiable information and trends that inform the broader media environment. Any monitoring mechanism should also be tailored to accurately and transparently capture data with regard to incidents and threats that disproportionately affect women and other marginalised communities. This should

also include a detailed and easy-to-use way in which categories of journalists and media workers can be incorporated to enable detailed and specific analysis and reporting of each community.

To ensure incidents are reported, all mechanisms established to increase transparency of incidents should be built and maintained in collaboration with the marginalised communities to ensure their experiences and concern inform the design and maintenance of the platform. This will also improve community 'buy-in' to ensure the platform is used and trusted as a source. Public-facing awareness raising campaigns, alongside the building and maintaining of relevant networks would help promote the reporting mechanism, while also presenting the importance of reporting as an act to shape potential protection processes, as well as an act of solidarity with at-risk or threatened marginalised journalists. Increased use of this reporting mechanism by the at-risk communities would also encourage others to step forward, which would in turn improve the monitoring and analysis of the platform as it is gaining a more accurate picture of the experiences of marginalised communities across Europe.

### **What would be the most effective measures for addressing inequalities in newsrooms?**

Newsrooms, employers and outlets should approach addressing inequalities as a central concern of strategic importance for their organisation, employees and contractors. It should not be hived off outside the daily work of the organisation. Instead, it should be embedded within the operational strategy that can then shape all decisions at every level of the organisation. This should also frame the evaluation of the ongoing business practices of the newsrooms and should include measures to combat discriminatory working opportunities and commitments, such as low pay, poorer career prospects and inflexible working conditions, alongside the efficacy of strategies to tackle racial and sexual harassment in the work place, bullying and conflict resolution. Processes to address these issues should be ongoing and open to all stakeholders to engage with, irrespective of seniority and contract type. This can include regular audits of processes, anonymous reporting of concerns and transparent guidelines in terms of pay, benefits and workplace conditions.

For further development on this issues, see answer to question 5

### **Do you consider that self-regulatory mechanisms and collective agreements could be effective tools in ensuring fair and non-discriminatory treatment of female journalists and journalists representing or reporting on minorities?**

Journalists' representative organisations are key players in the defence of equity and diversity in the newsroom. Some associations and unions are associated with universities to identify the problem and propose solutions. Member States should strengthen the capacity of journalists' unions to negotiate collective agreements with employers in the sector on gender equality and the promotion of diversity in the newsroom.

As outlined by OBCT's Needs and Gaps analysis, "women tend to become freelance journalists more than men". This means there should also be tailored mechanisms and agreements for freelancers that explicitly explore and incorporate issues that disproportionately affect women. This should include approaches to ensure child caring responsibilities do not adversely affect women's ability to continue their journalistic work. This was highlighted by a Spanish interviewee in the analysis who stated "when we decide to be mothers, there is a huge discrimination because usually it is women who decide to get a part time job after having a child."

The lived experiences of women and other marginalised groups should be centred in all mechanisms and agreements to ensure all responses and negotiation positions are informed by the need for a tailored, specific and sustainable approach to the multitude of threats against journalists and media workers.

### **What would be the specific focus of trainings dedicated to fighting violence against female journalists and journalists representing or reporting on minorities?**

Women media professionals are often targeted specifically because of their gender. They are exposed to the same risks as their male colleagues, such as killings, imprisonment, intimidation, surveillance and more. Additionally, they face specific risks and forms of violence because of their gender, including (online) harassment, smear campaigns, or sexual violence and face more risks in their workplace. The harassment and attacks faced by women media professionals can lead to self-censorship and even withdrawal from the profession, which is problematic for the journalistic sector as a whole.

While there are a large number of training providers, many safety trainings are Hostile Environment and First Aid Training (HEFAT), focusing on physical security. Yet, due to the multi-faceted threats that women journalists and other marginalised communities face, there is a need for a comprehensive training approach that includes all aspects of safety (physical, digital, and psycho-social safety). Furthermore, training curricula need to be localised and contextualised in order to be most effective<sup>24</sup>. As there are a number of different obligations and responsibilities in terms of protecting journalists, including women, journalists of colour and members of the LGBTQI community, training should not be targeted at journalists alone. In fact, the OBCT Needs and Gaps analysis outlined the importance of ensuring regular and robust training for those responsible for protecting journalists, most notably police officers, representatives of security services, prosecutors, judges and ombudsmen to ensure they are informed of all updated processes to ensure they can work in line with their formal commitments.

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<sup>24</sup> Free Press Unlimited has developed a comprehensive safety training to mitigate all different kinds of threats that women journalists are facing: <https://safetyforfemalejournalists.org/>



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**This submission has been written by the Media Freedom Rapid Response (MFRR)**, which tracks, monitors and responds to violations of press and media freedom in EU Member States and Candidate Countries. This project provides legal and practical support, public advocacy and information to protect journalists and media workers. The MFRR is organised by a consortium led by the European Centre for Press and Media Freedom (ECPMF) including ARTICLE 19, the European Federation of Journalists (EFJ), Free Press Unlimited (FPU), the Institute for Applied Informatics at the University of Leipzig (InfAI), International Press Institute (IPI) and CCI/Osservatorio Balcani e Caucaso Transeuropa (OBCT). The project is co-funded by the European Commission.

 **MEDIA FREEDOM  
RAPID RESPONSE**

