



Liberties

Media Freedom

Report 2024



**CIVIL
LIBERTIES
UNION FOR
EUROPE**

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EXECUTIVE SUMMARY

About this report

The Media Freedom Report 2024 is the third annual report on media freedom in the European Union (EU) produced by the Civil Liberties Union for Europe (Liberties). It is based on data and input from Liberties' member and partner organisations and complements Liberties' annual Rule of Law Report.¹

The Media Freedom Report discusses relevant legislative and regulatory action at EU and national level during 2023 and maps the main trends and developments in media freedom in 19 EU Member States, namely: Belgium, Bulgaria, Croatia, Czech Republic, Estonia, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, the Netherlands, Poland, Romania, Slovakia, Slovenia and Sweden. This report also sets forth a list of recommendations to the EU institutions to improve the media landscape in Europe and better protect media freedom and pluralism across the Union. As in previous editions, this report covers three primary areas: media freedom and pluralism, safety and protection of journalists, and freedom of expression and information. Additionally, this year's report features a new chapter dedicated to the European Media Freedom Act – landmark legislation that has

myriad implications for media freedom and pluralism in the EU.

Strong and stable democracy cannot exist without a free and pluralistic media. It is not a coincidence that in countries where rule of law is eroding, so too is media freedom. This report serves as a monitoring exercise to expose and help prevent further violations of media and press freedom and the rights to freedom of expression and to information. As documented herein, media freedom and pluralism still stand perilously close to the breaking point in many EU countries, and must be almost fully resuscitated in some. How effectively the European Media Freedom Act is enforced could be decisive to the media's future in Europe, and this report supports advocacy work and sets forth recommendations to that end.

Context

There were several events that occurred in 2023 that shaped media environments domestically or at European level. Elections in **Poland**, the **Netherlands** and **Slovakia** upended the political landscapes in each country. In Poland and Slovakia, this could also reshape the media landscape – indeed, one of the Tusk government's first actions upon taking power was

¹ Civil Liberties Union for Europe, [Rule of Law Report 2024](#), February 2024.

aimed at depoliticising Poland’s public service media. In Slovakia, Robert Fico’s return to power last year coincided with a 10% drop in public trust in the media compared with 2022.

Last year also saw significant legislative developments. The EU adopted the Anti-SLAPP Directive, which should provide journalists with much-needed protection from abusive cross-border lawsuits intended solely to silence or intimidate them, and provides a great starting point for the implementation of national laws. The Digital Services Act (DSA) is in full effect across the Union since February 2024, and Member States are obliged to appoint a coordinator to monitor the law’s implementation. The DSA is aimed, in part, at creating a safer environment for users of online platforms by creating more transparency around content moderation, limiting targeted advertising, and combating the proliferation of illegal content, hate speech and digital violence that pervades social media, all interlinked with access to information and freedom of expression. The European Media Freedom Act (EMFA) achieved final political agreement in 2023, and the last vote before its adoption as law occurred in early 2024. The EMFA is a significant step forward in addressing the issues of media freedom and pluralism and journalists’ safety. Although it could have been stronger in several key areas, the EMFA should help protect free media – if it is properly enforced (for analysis of the key points in the EMFA, see the chapter “The European Media Freedom Act”).

Key findings

The overarching trends observed in last year’s report² – heavy media ownership concentration, insufficient ownership transparency rules, threats to the independence and finances of public service media, widespread instances of threats, intimidation and violence against journalists, and restrictions on freedom of expression and access to information – continued in 2023. There were, however, several positive developments on certain issues in Member States and at EU level as well.

Media freedom and pluralism

Strong media ownership concentration continues to define domestic media markets, and little was done in 2023 to increase media ownership transparency. Media regulatory bodies struggled for resources and independence, and political and financial pressures continued to hamper media outlets, especially public service media, in many Member States.

- Media ownership concentration is high in **Croatia, France, Hungary, the Netherlands, Poland, Slovakia** and **Slovenia**. The majority of a country’s media companies being owned by a handful of individuals threatens the diversity of media voices and increases the risk of biased reporting.

2 Galaski J, and F. Otto, *Liberties Media Freedom Report 2023*, April 2023.

- Media outlets face increasingly uncertain financing frameworks. TV licence fees, an important source of income for public service media, are at the heart of financial challenges in **France, Ireland** and **Slovenia**. In **Greece, Hungary** and **Romania**, political expenditures on media advertising are high and disproportionately funnelled to government-friendly media.
- Public service media (PSM) are under government control in **Hungary** and were in a state of uncertainty in **Poland** as the year closed, due to the recent change in government. In **Croatia** and **Italy**, there are growing concerns about government influence over PSM.
- While many countries maintain independent media regulatory bodies, this is not the case in **Hungary**, where it is under government control, and in several other Member States, where current practices give the government too much influence over its structure, financial support or function.
- Levels of public trust in media remain low, and reached an all-time low in the **Czech Republic** in 2023. Trust levels also declined over the last year in **Estonia, Germany, Hungary**, and **Slovakia**, and levels remained low in **France** and **Greece** in 2023.

Safety and protection of journalists

A safe working environment for journalists is a precondition for the full realisation of the right to freedom of expression, including freedom of the press. Journalists across Europe continue to face intimidation, surveillance, attacks and detention. In addition to these threats, they also face abusive lawsuits that drain time and resources and discourage them from pursuing stories. The EU Anti-SLAPP Directive and the European Media Freedom Act are two new pieces of legislation that will better protect journalists.

- Journalists in **Croatia, France, Germany, Greece** and **Italy** faced physical attacks in 2023, in addition to threats and intimidation. In **Hungary** and **Slovakia**, abuse and threats against journalists came from politicians.
- Abusive lawsuits known as strategic lawsuits against public participation (SLAPPs) are frequently used against journalists in **Croatia, Greece, Italy**, the **Netherlands** and **Sweden**. It is important that the EU maintains a close eye on Member States' transposition of the Anti-SLAPP Directive.
- The use of Pegasus and Predator spyware continues to be a problem in the EU. In 2023, journalists in **Germany, Greece**, the **Netherlands** and **Poland** were targets of spyware surveillance. Also last year, a European Parliament committee report found that national

security had been used as a pretext for the use of surveillance software against journalists in several EU countries, including **Greece, Hungary** and **Poland**.

- In **Romania** and **Sweden**, police failed to conduct sufficient investigations into attacks on journalists, either because of a lack of resources or a lack of will. In **Bulgaria** and **France**, the police themselves were perpetrators of attacks on journalists in 2023.

Freedom of expression and information

Freedom of expression and access to information remain areas of concern for media in many EU Member States. Journalists who are critical of the government may find themselves excluded from press conferences or other official events, or denied access to documents that should be made available to them. Hate speech has not ebbed on social media, although legislative action in some Member States and by the EU may bring change in the future.

- Civil society organisations in **Bulgaria, Croatia, Estonia, Hungary, Ireland, Italy** and **Greece** reported attempts to censor members of the press or otherwise restrict freedom of expression.
- Hate speech remains widespread, particularly on social media, although governments in **Germany, Ireland** and

Slovenia took actions to combat it in 2023.

- Disinformation remains a serious issue in the **Czech Republic, Greece** and **Italy**. New legislation against disinformation could be counterproductive in **Latvia** and has already been used to target a journalist in **Greece**.
- Restrictions on access to public interest information are a problem in many EU Member States, including Germany, Hungary, Lithuania and the Netherlands. Some governments continue to refuse journalists access either to documents or events.

RECOMMENDATIONS TO THE INSTITUTIONS OF THE EUROPEAN UNION

Monitor the enforcement of the European Media Freedom Act

EMFA has the potential to positively influence media freedom and pluralism in EU Member States. In relation to EMFA, we recommend the following:

Ensure independence of public service media

- The Commission should closely follow how Member States implement measures to ensure that public service media have adequate financial resources and operate independently of political or corporate influence.

Protection against surveillance

- Member States must enact strict regulations to ensure the protection of sources and to limit the use of spyware to only the most exceptional circumstances unrelated to journalism. The European Board of Media Services (‘the Board’) should publish best practices to protect journalistic integrity.

Issue guidelines for media ownership database

- Beneficial ownership databases, including owners’ links to political actors at national and EU levels, are crucial to safeguard against consolidation and monopolisation of media ownership. Clarifying EMFA rules would be beneficial for national regulatory authorities and media services equally.

Create a database on state advertisement spending

- The Board should help Member States create specific criteria and procedures for meeting the requirements set out in the EMFA in relation to state advertising. A consistent format for databases across Member States would ensure that the publicly available data is comparable and accessible for everyone, including civil society and investigative journalists, to serve their watchdog function. Establishing an online interface would create best practices for member-state national authorities.

Transparent financial support for the media

- The Council of Europe encourages Member States to ensure that subsidies and any other type of financial support are administered on the basis of objective and impartial criteria. The obligation for public authorities to make public information about the funds spent on state advertising does not apply to goods and services. However, there is an opportunity to safeguard increased transparency and access to a wider set of data at Member State level.

Cooperation with counterpart authorities

- The Commission and the Board, in cooperation with national regulatory authorities and bodies will monitor media concentration and state intervention in the media market, and cooperate with Digital Services Coordinators and other authorities. EU-level guidelines and recommendations would help Member States in their enforcement process.

Align EMFA and DSA enforcement efforts

The EMFA and the DSA are closely interconnected regarding access to information and freedom of the press in the online ecosystem. Therefore, the Commission and the Board should cooperate with national digital services

coordinators, especially regarding content available on very large online platforms and search engines. Similarly to the DSA enforcement, it is desirable to publish data about content removal, suspension, and dialogues under the EMFA, and the Board should publish all relevant data in a structured way. This would help journalists and civil society analyse and compare the working methods of different very large online platforms, as well as the role the Board and the Commission take in this approach.

Continue the media monitoring project in relation to beneficial ownership of media companies

The Commission should uphold its media monitoring project in relation to the beneficial owners of media companies database, containing information about the entire beneficial ownership chain, including their connection with political actors, to reveal the network and potential influence on media service providers. Such a database would help national regulatory authorities in market analysis and investigations.

Monitor the transposition of the Anti-SLAPP Directive

The EU Anti-SLAPP Directive sets only the minimum standards for protecting journalists and civil society watchdogs against SLAPPs. Regulating domestic SLAPP cases, the

elaboration of an early dismissal mechanism, damages compensation, support mechanisms, awareness raising and training for judges, and monitoring of SLAPPs must be done by the Member States. The Commission should closely monitor the proper enforcement of the Directive, issue guidelines and reference the Recommendation CM/Rec(2024)2 of the Committee of Ministers to Member States on countering the use of SLAPPs.

Maintain pressure through the rule of law conditionality mechanism

In order to protect democratic values, including media freedom, the EU must use all its tools to respond to serious infringements on the rule of law. A funding freeze, or merely the threat thereof, is an important tool that has already been used successfully.

Monitor and report on the implementation of the EU Recommendation on the Safety of Journalists and related EU legislation, such as the Whistleblowing Directive

Monitoring and reporting about existing recommendations and related laws are essential. The Commission should capitalise on the knowledge of journalists' associations, civil society, and media representatives to ensure

diverse stakeholder dialogue and a better understanding of the challenges media workers face in the EU.

Strengthen independent journalism and media pluralism

In order to strengthen media diversity, the EU must continue to support independent journalism, and in particular investigative journalists, smaller media outlets and other less commercial forms of journalism which suffer from financial difficulties. EU institutions should offer financial and non-financial support, and ideally, strengthen media pluralism and freedom of expression in coalition with civil society.

Build multi-stakeholder dialogue

The Board should also encourage, in line with the Recommendation CM/Rec(2018)11 of the Council of Europe, the development, in consultation with representatives of the media and civil society organisations, of strategies and mechanisms to support professional news media and quality independent and investigative journalism, including news production capable of addressing diverse needs and interests of groups that may not be sufficiently represented in the media.

Start infringement proceedings

The European Commission should open infringement proceedings against those Member States that fail to adhere to international standards of the rule of law, the freedom of the media and freedom of expression. The process should be expanded in countries where procedures are already underway to include media freedom and pluralism. For this, also see Liberties' Rule of Law Report 2024.

MEDIA FREEDOM AND PLURALISM

Key findings:

- Media ownership remains heavily concentrated in many EU Member States, even in those where media freedom is generally strong and respected by the government and political parties. This diminishes pluralism in domestic media markets and poses an existential threat to independent media.
- Media ownership remains opaque and rules to enforce transparency of beneficial media owners are inadequate. The European Media Freedom Act addresses this issue, though it appears unable to ensure full transparency over entire ownership chains.
- Media, particularly public media, continue to struggle financially. Several Member States have abolished the licence fee, a critical source of income for public media outlets, without sustainably replacing the lost revenue.
- Political influence – and, in some cases, outright government control – continues to contaminate public service media in multiple Member States.

- Some governments continue to exercise influence over national media regulatory bodies, in particular with regard to hiring processes.
- Public trust in the media remains low across the EU, although trust levels are ticking up slightly in two Member States.

Media ownership concentration

A pluralistic media landscape is a precondition of and necessary safeguard for a healthy democracy. It allows citizens to access diverse opinions and sources, giving them the information they need to form their own opinions about important issues. For this to be possible, media service providers must remain free, independent and diverse. As found in previous Liberties Media Freedom Reports,^{3,4} this landscape is being challenged in many Member States and is non-existent in others. This report finds that very little changed during 2023.

This is especially true in **Hungary**, where the media have long been under the control of a few powerful people or their companies with

3 Galaski, J. and Otto, F. [Liberties Media Freedom Report 2023](#), April 2023.

4 Galaski, J, Simon, É. and Otto, F. [Media Freedom Report 2022](#), March 2022.

ties to the ruling Fidesz party and Prime Minister Viktor Orbán. No significant changes to the market occurred in 2023, and it continues to be characterised by a large number of state-funded media (with revenue from state advertising expenditures) that show absolute loyalty to the government. The lack of fair market competition also helps solidify ownership concentration: state advertisers favour media loyal to the government, depriving independent media of an important revenue stream and ensuring that they remain economically vulnerable.⁵

Last year's report also highlighted **Poland** as a source of severe media ownership concentration. The state-owned company PKN Orlen, which in 2020 took over both Ruch, Poland's second largest press distributor, and Polska Press, the country's largest publisher of regional newspapers, has vast control over the media market. This did not change in 2023, although the change in government following the October 2023 election has resulted in efforts to depoliticise public service media.⁶

In **Croatia**, media concentration is a growing problem, highlighted by Media Solutions' acquisition of *Novi List*, *Glas Istre* and *Zadarski List*.⁷ This means the company now controls

four major regional daily newspapers in the country, a particularly concerning development considering the ownership structure of Media Solutions includes both donors to and members of the main party in the governing coalition. In the **Czech Republic**, a new law preventing politicians from owning media companies could help decrease political influence and bolster media pluralism. It would prevent, for example, the recent situation in which Prime Minister Andrej Babiš owned multiple large media companies during his premiership.

The number of media outlets in **Greece** is large and the landscape is diverse, but ownership concentration is severe. In theory, under the legislation Concentration and Licensing of Mass Media Undertakings (Law No. 3592/2007, as amended and in force), controlling more than one media company of the same form (television or radio) is prohibited.⁸ In practice, however, it is well known in Greece that the most influential media companies are controlled by a few powerful businessmen, including Ioannis Alafouzou, Themistokles Alafouzou, Theodore and Thodoris Kyriakou, Evangelos Marinakis and Giannis Vardinogiannis, through a complex system of companies and cross-ownership. All of them also have major business interests

5 Atlatszo, *State Advertisers*, 2017-2019.

6 Brzeziński, B., 'Poland's media revolution turns into a political battle', *Politico*, 27 December 2023.

7 Croatian Journalists Association, *CJA demands a statement from AZTN on the concentration of ownership of Glas Slavonije, Novi list, Glas Istre and Zadarski list*, 23 September 2023.

8 Spyropoulos, A. D. T. Kouvelou et al., *In brief: Media law and regulation in Greece*, Lexology, 24 June 2022.

in other sectors of the economy, such as the oil and shipping industries and sports.⁹

The level of ownership concentration in **Slovakia's** media market increased in 2023 following News and Media Holding's purchase of the most widely read tabloid magazine, *Nový čas*, and the related portal *cas.sk*. News and Media Holding is the largest publisher of print titles in the Slovak market and also owns the second most widely read tabloid, *Plus 1 deň*.¹⁰

In **Slovenia**, the Media Pluralism Monitor 2023 found a 'high risk' to media pluralism in the country. The highest risk was found in the area of 'market plurality' (76%), where the indicator 'editorial independence from commercial and proprietary influences' scored the highest, at 90%.¹¹ The media group Pro Plus dominates the television, video-on-demand, and online media markets. Dominant media groups also exist in print and radio: Media24, owned by the Odlazek family, owns more than 60 media outlets in the print, radio and television sectors, on both national and local level. Even though the country's Mass Media Act forbids a publisher of a printed news daily from

also being the publisher of a radio or television programme, the law is easy to circumvent due to inadequate regulation and oversight.¹² However, in December 2023, the Ministry of Culture submitted for public consultation a proposal for a new Mass Media Act. Public consultation ended in January 2024. The proposed regulation, which claims to follow the principles of the European Media Freedom Act, foresees a specific media concentration assessment procedure, with a competition regulator to assess the impact of the concentration on media pluralism.¹³

Even in countries where media freedom is generally strong and respected by the government, threats to media pluralism are among the most significant issues to the national media landscape. Despite a 2022 Senate investigative commission on media concentration in **France**, efforts to address the issue remained stalled in 2023.¹⁴ Following dozens of hearings, the commission issued a 380-page report that laid out 32 recommendations, including to establish an independent director within the boards of directors of media groups who will be responsible for ensuring the independence of

9 Papathanassopoulos, S. Stavrianea, A. et. al., [News media outlets and owners: Greece-Country Report 2022](#), September 2022.

10 Struhárik, F., [Penty publishing house buys the daily newspaper Nový Čas and the cas.sk website](#), *Denník N*, 10 October 2023.

11 Bleyer-Simon, K. Brogi, E. et. al., [Monitoring media pluralism in the digital era](#), 2023.

12 [Media Act \(ZMed\) \(2001\)](#).

13 Text of the bill is available at: <https://e-uprava.gov.si/si/drzava-in-druzba/e-demokracija/predlogi-predpisov/predlog-predpisa.html>.

14 Barbarit, P. S. and Vignal, F., [Media concentration: Divided, senators nevertheless agree on the recommendations of the report](#), 31 March 2022.

editorial staff and preventing conflicts of interest. Almost two years removed from the submission of the commission’s report, none of the 32 recommendations has been implemented. The status quo that remains unchanged is one where the majority of the French media market is under the control of several billionaires, including Bernard Arnault, the Dassault family, Xavier Niel, Patrick Drahi and Vincent Bolloré.¹⁵

In the **Netherlands**, the Dutch Media Authority publishes the yearly Media Monitor on developments in the national media landscape. The 2023 report signals that the Dutch media market is increasingly defined by fewer media companies enjoying larger market shares. In March 2023, the Dutch Consumers & Market Authority rejected the planned merger of RTL Group and Talpa Network due to concerns over competition in the advertising market, concluding that the merger would result in the new entity having enough power to distort the market by demanding considerably higher prices for television advertisements and retransmissions. In December 2023, however, DPG Media announced its intention to acquire RTL Group, renewing concerns that the takeover would increase the concentration of the Dutch media market.

Transparency of media ownership

Media ownership transparency is necessary for regulatory authorities and the public alike to understand who controls press companies – and thus who can influence editorial policies and, ultimately, the news that people read. Transparency of ownership makes it possible to prevent political or corporate interference with editorial lines as well as conflicts of interest, and it is necessary for effective media accountability.

Media ownership transparency has remained stubbornly low across the EU for years, a fact highlighted in previous editions of this report, and the passage of the European Media Freedom Act should have addressed this issue effectively. However, the EMFA only requires very limited data to be published, leaving it for the national regulatory bodies to create a database and reporting obligation for media companies. The EMFA also lacks the requirement to reveal the relationship between media owners and political actors and missed the opportunity to introduce an EU-level database of media ownership. For further discussion on these shortcomings, see the chapter “The European Media Freedom Act”.

Although there is currently no specific regulation requiring transparency of media ownership in **Slovenia**, the draft Mass Media Act, proposed last year, would change this. Provisions

15 [Fabre, J. and Beyer, M., French media: Who owns what?](#), 11 December 2023.

in the present draft would oblige media outlets to report media ownership above 5% in the Media Register, which is administered by the Ministry of Culture, and to annually publish data and updates on ownership changes in the Official Gazette.

In **Hungary**, basic information on media ownership is generally easy to determine via the company register, but because Hungarian media regulation does not restrict the ownership of media companies, large media conglomerates can and do develop, obscuring ownership information. Although the government in **Poland** has recently changed, by the close of 2023 there had been no legislative changes as regards transparency of media ownership and public availability of media ownership information, and this information is still difficult to obtain. Under new legislation, **Slovakia's** Ministry of Culture is obliged to create a publicly accessible register of information and data on media providers. According to the ministry's website, it has not yet published such a list, and there was no progress on this front in 2023.¹⁶

In **Greece**, clarity over beneficial owners of media outlets can often be achieved through the official documents released by the national regulatory authorities (NCRTV, the Hellenic Competition Commission) or published on the G.E.MI. platform, a public resource where anyone can find, through an online search, all

the official administrative documents issued by media companies, including their shareholder structures. That said, there is no explicit legal requirement for media companies to disclose details of their direct or actual beneficiaries.

Financing framework, including allocation of state advertising

The allocation of state advertising expenditures is an important potential resource to subsidise financially unstable media outlets that have been suffering from significant drops in advertising revenue and subscription incomes. State advertising expenditures should be granted in a non-discriminatory and transparent way. Unfair economic advantages make media services vulnerable to undue state influence or state capture.

Funding uncertainty continues to threaten public service media in **France**. In 2022, the government abolished the annual TV licence fee (€138 paid by every household with a television), removing a critical source of funding that had provided some €3.7 billion a year to public media.¹⁷ A sustainable alternative source of funding still has not been found – for now, this shortfall is being made up from VAT revenue – leaving public service media financially

16 For more information, see: [Lists and Registers maintained by the Ministry of Culture](#).

17 The Local, 'EXPLAINED: What France's TV licence pays for and what might replace it?', 4 July 2022.

imperilled at a time when right-wing politicians are calling for its privatisation.¹⁸

Lithuania moved in the opposite direction in 2023 and augmented the financing framework for media. Through an amendment to the Law on Public Information, the Media Support Fund was established to provide state funding for media projects.¹⁹ The shareholders of the fund are the government, the Association for Journalistic Ethics and the Association for Culture Periodical Publications. The funding will be allocated through tender processes, with an open process for calls for applications and the selection of media projects.

The volume of state advertising in **Hungary** remains very high and it is used to covertly subsidise media outlets favouring media loyal to the government, making independent media even more financially fragile.²⁰ Between 2019 and 2023, Hungarian political actors spent roughly HUF 10 billion (€26 million) on social media advertising, with the biggest advertisers being the government and groups affiliated with it.²¹ There is no publicly available data on the financial sources of this expenditure.

Media financing remains opaque in **Romania**, an issue highlighted by the European Commission in its 2023 Rule of Law Report.²² It is an especially important issue in a country where half of the state subsidies received by political parties are spent on media and political propaganda.²³ Last year did provide a ray of hope, however: a draft law to amend legislation on the financing of political parties and election campaigns would oblige political parties that receive state funding to submit to the Romanian Permanent Electoral Authority an itemised statement of expenses incurred from state subsidies each month. It is hoped that this could be used to create transparency around media financing, although Liberties' member organisation in Romania, APADOR-CH, advocates for tightening some of its language. The draft law was passed by the Senate in 2023 and is currently under debate in the Chamber of Deputies.

The situation in **Slovenia** continues to recover from the previous government of Janez Janša, which was swept from power in the 2022 election. In 2023, the Ministry of Culture launched an annual public call for project proposals for the co-financing of media production in 2024, with a €2.9 million fund. Those

18 Valentini, F., '[Marine Le Pen and the public broadcasting system: a high-risk privatization](#)', *Les Echos*, 18 April 2022.

19 Republic of Lithuania Law on Public Information, 1996, <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.29884/asr>.

20 Atlatszo, *State Advertisers*, 2017-2019.

21 Hanula, Zs, 'This is how Hungarian politics put HUF 10 billion in Mark Zuckerberg's pocket', 1 December 2023.

22 European Commission, *2023 Rule of Law Report*, 5 July 2023.

23 Pârnu, S. and Vasiliu, D., *Subsidies to political parties in 2023*, December 2023.

that received funding in the first year include an independent online media outlet focusing on investigative reporting, data journalism and in-depth stories, multiple quality newspapers and a non-profit student radio.²⁴ The new government has also provided the Slovenian Press Agency, a public service media body, with stable financing, and all unpaid obligations from the period of the previous government were paid off.²⁵ Worryingly, however, the government did not approve an increase in the licence fee for Radio-Television Slovenia (RTV Slovenia), the national public service broadcasting organisation. The licence fee is the largest source of funding for RTV Slovenia, accounting for more than two-thirds of its total revenue. The monthly fee of €12.75 is paid by more than 600,000 households nationwide, but it has remained unchanged for more than a decade as labour and production costs have increased along with inflation, leading to a financial crisis for RTV Slovenia.

State advertising funding is a significant source of revenue in **Greece's** media ecosystem, and in recent years critical media outlets have been excluded or received significantly lower funding from government communications campaigns. At the end of December 2022, the Greek Parliament ratified a new media law establishing

a new registry and special committee that will be in charge of overseeing the compliance of online media with journalistic ethics, and will have the power to exclude media from receiving state advertising funds for up to two years. The law sparked intense debate throughout 2023: while the move to increase media ethics was broadly welcomed, some media outlets voiced the concern that the new rules could be misused to deliberately exclude media that report critically on the government from receiving state advertising revenue. The new registry was formally established in November 2023.²⁶

Public service media

Public service media (PSM) perform several critical functions in a healthy media ecosystem. They offer access to diverse content, including impartial and balanced media coverage, and unbiased, factual information; they promote diversity and pluralism, and facilitate public debate around important issues. The independence of PSM providers is key to ensure access to impartial, quality information. However, in several Member States, PSM are exposed to government and political interference, with influence directed at their management or the public funding they receive.

24 Republic of Slovenia, [Annual public call for project proposals for co-financing media content programs in 2024 \(JPR-MC-2024\)](#), 2024.

25 Slovenian Press Agency, [The director of Ukoma and the director of STA signed a contract for the provision of the agency's public service in 2024](#), 22 December 2024; See also, the statement of the Director of the Government Communication Office, Peter Bezjak Cirman, at the [9th Regular Session of the Parliament's Committee for Culture](#), 18 January 2024.

26 Banks.com.gr, [Presentation of the Registry of Print and Electronic Press to the authorities](#), 19 April 2024.

In **Hungary**, PSM are so completely under the yoke of the government that they do not even pretend to perform the aforementioned functions. PSM are characterised by biased and one-sided reporting that is always in line with the interests of the ruling Fidesz party. Critical voices against the government are absent, while the PSM regularly criticise the opposition. In response to charges of bias by opposition MPs, the public service media provider responded that “the requirement of balanced information can clearly no longer be interpreted as meaning that the media service provider is obliged to present all opposing views in detail, since the audience, once informed that there are opposing views, can also obtain detailed information about them from other sources”.²⁷

Doubts persist about the impartiality of **Croatia’s** public broadcaster, Croatian Radiotelevision (HTV). The previous five-year term of the editor, who was reappointed for a second term in 2023, was marked by criticism for bringing HTV closer to the political interests of the ruling party. Moreover, HTV’s Programme Council, whose mission is to represent and protect the interest of the public by monitoring programmes and improving radio and audio-visual programmes, is far too susceptible to

political influence with nine of its 11 members appointed by Parliament.

Italy’s PSM are also susceptible to meddling by the government, and the 2023 Media Pluralism Monitor placed Italy among the countries where the independence of public service media is most threatened.²⁸ In the spring of 2023, the current cabinet made significant internal management changes to Radiotelevisione Italiana (RAI), the Italian national public broadcasting company, which led to the resignation of the public broadcaster’s CEO, citing political pressure.²⁹ The subsequent CEO, Roberto Sergio, swiftly implemented an editorial shift upon his appointment that has proved far more in line with the ruling coalition’s agenda.³⁰ Furthermore, Matteo Salvini, Deputy Prime Minister of Italy and Minister of Infrastructure and Transport, decided last year to shrink the funding allocation to the broadcasting service, further threatening RAI’s financial autonomy.³¹

The failure to provide adequate funding and to reform **Ireland’s** licence collection system has impacted the main public service broadcaster RTÉ.³² At the start 2023, the government still had not provided information on long-term

27 Szalay, D., “[We couldn’t hold the public media accountable for its imbalance](#)”, Media 1, 19 December 2023.

28 Bleyer-Simon, K. Brogi, E. et. al., [Monitoring media pluralism in the digital era](#), 2023.

29 Safety of Journalists Platform, [Change in RAI Leadership and a Subsequent Cascade of Leadership Appointments Reveal the Government’s Stranglehold on Public Broadcasting](#), 31 May 2023.

30 Adnkronos, “[Rai, CEO Sergio’s letter to employees: ‘Now working to restart the Company’](#)” 25 May 2023.

31 Rai Journalists Union, [With the reduction of resources, Rai risks being dismantled. In the general silence, disputes within the Government harm the public service](#), 28 October 2023.

32 Moore, J. ‘[TV licence fee in place for RTÉ “utterly broken”, Dee Forbes tells committee](#)’ *TheJournal.ie*, 20 January 2022.

proposals for funding public service broadcasting, an ongoing issue in the country. Civil society views this inaction as an impediment to securing the future viability of public service broadcasting. Over the course of 2023, the income generated from the licence fee collapsed, necessitating additional central government funding.³³

The new government in **Poland** has paid considerable attention to PSM since taking power just before the end of 2023. For much of last year, the public service media were unchanged from previous years, characterised by severe political interference with an editorial line strongly in favour of the ruling Law and Justice Party (PiS). But the October election and PiS's fall from power precipitated rapid change. Upon taking office on 15 December, Donald Tusk's government sacked and replaced the directors of state television and radio and the Polish Press Agency.³⁴ President Andrzej Duda, a PiS ally, responded by suspending funding for public media; the new cultural minister then announced that PSM outlets would be put into liquidation as a means of maintaining the previous status quo and insulating them from the political feud.³⁵

Independent media and telecommunications authorities and bodies

Media and telecommunications authorities and bodies are important actors in maintaining free and pluralistic media markets. They are key to the proper application of media legislation across the EU. They perform many functions, like granting broadcasting licences, enforcing media regulations and rules on ownership transparency, cooperating with other authorities and bodies, and elaborating co-regulatory codes of conduct. Given their tasks, it is imperative that national media authorities act independently of governments, political parties, and the media industry. And in order to perform their tasks, national regulatory authorities or bodies must be given the necessary financial, human and technical resources.

In many countries, however, their independence is tested or even non-existent. In **Hungary**, 2023 saw no changes that would give the Media Council functional independence or even the perception of it. The Media Council remains firmly under the influence of Prime Minister Orbán and his ruling Fidesz party, and, as in past years, this is primarily evidenced through the body's inaction towards public service media. Public service media are part of the

33 Sheahan, F. and O'Connell, H., [RTÉ faces TV licence fee shortfall of more than €61m over two years as Government to give €16m interim funding.](#) *Irish Independent*, 11 October 2023.

34 Brzeziński, B., ['Poland's media revolution turns into a political battle'](#), *Politico*, 27 December 2023.

35 European Federation of Journalists, [Poland: the government put public service media in a state of liquidation](#), 29 December 2023.

ruling party's propaganda machine, devoid of pluralistic views, criticism of the government or positive portrayals of opposition politicians. Despite this unmistakable reality, the media authority continues to exercise no meaningful control over the public service media to remove bias.

The independence of **Croatia's** media regulator, the Agency for Electronic Media, is sometimes questioned because all of the agency's members are appointed by the Parliament, based on the government's proposal.³⁶ Similar concern exists in **Slovenia**, where the appointment of the director of the national media regulator, the Agency for Communication Networks and Services, is controlled by the government.

For most of 2023, the situation in **Poland** remained unchanged. The actions of the National Broadcasting Council (*Krajowa Rada Radiofonii i Telewizji*, KRRiT) showed political bias towards certain media outlets, such as belated licensing approval and fines of media companies that had been critical of the government or its policies. In December 2023, following the formation of the new government, the Minister of State Assets undertook steps to change the management of the public media. Relying on provisions of the Commercial Companies Code (*Kodeks spółek handlowych*), the Minister dismissed the public media supervisory boards and the media heads. This

process was heavily criticised and Liberties' Polish member, the Helsinki Foundation for Human Rights, said it "raised serious legal concerns".³⁷

A positive development was observed in the **Czech Republic** in 2023, when the Parliament passed an amendment that gives the Senate the power to elect a third of the board members of Czech Television and Czech Radio (until then, only the Chamber of Deputies had this authority). The television board will increase to 18 members from 15, and it will no longer be possible to dismiss the public media boards as a whole.

Online media

The Digital Services Act (DSA) changed the online media landscape. Online platforms and search engines exercise a supervisory role over the media content they host and, therefore, have a hand in shaping media freedom and pluralism in the EU. Enforced correctly, the DSA should help create a safer environment for access to information and freedom of expression as well as protecting journalists, especially by compelling platforms to remove illegal content, hate speech and cyberviolence, which are frequently targeted at journalists. By 17 February 2024, all EU Member States were required to have appointed a Digital Services

36 Hina, 'The government has submitted a proposal for the appointment of three members of the VEM', 26 January 2023.

37 Helsinki Foundation for Human Rights, [The position of the Helsinki Foundation for Human Rights regarding changes in public media](#), 22 December 2023.

Coordinator to supervise compliance with the DSA at the national level. However, our findings indicate that a number of countries, including **Germany, Slovenia** and **Croatia**, did not meet the deadline, risking proper enforcement of the DSA.

Our member organisation in **Germany** reports that the Digital Services Law, which comprises the implementation of the DSA in Germany and appoints the national coordinator, will not be adopted by February 2024. As a result, Germany will initially not have a dedicated authority under the DSA supervising the online ecosystem by the deadline. In **Slovenia**, there were delays with adopting the law implementing the DSA and appointing the Digital Services Coordinator.

In **Croatia**, there was no information provided in 2023 on the implementation of the Digital Services Act (DSA) and especially the allocation of the role of the Digital Services Coordinator (DSC). It also hinders the fight against misinformation, as the DSC is entrusted with allocation of the ‘trusted flagger’ status. As part of the bill aimed at securing and regulating the digital space in **France**, ARCOM, the national agency responsible for regulating audiovisual and digital communication, will be designated as the country’s digital services coordinator.

In 2023, the **Netherlands** established a public-private partnership called the Online Content Moderation Project (PrOCOM) to ensure citizens, journalists, the government and the online sector can more easily act together against online content that is illegal. The majority of very large platforms are part of this partnership, although notably not Twitter/X.³⁸ In the **Czech Republic**, the new law on media ownership that forbids politicians from owning media companies notably does not apply to online media.

Public trust in media

Last year’s report found continued erosion in public trust in national media in several Member States, and data from 2023 show this trend holding. Furthermore, tepid trust levels in national media mirror EU-level findings as well. According to a 2023 Eurobarometer survey, 48% of EU citizens trust public TV and radio sources, while 38% trust print media and 29% trust private TV and radio stations (respondents were allowed up to three answers).³⁹ Declines in public trust in media over the last year were observed in the **Czech Republic, Estonia, Germany, Hungary**, and **Slovakia** and levels remained extremely low in **France** and **Greece** in 2023.

The 2023 Eurobarometer survey shows a sharp decline in trust of public TV and radio in

38 Center for Crime Prevention and Safety (het CCV), [Online Content Moderation Project \(PrOCOM\)](#).

39 Eurobarometer, [Media & News Survey 2023](#), 2023.

Estonia, falling to 59%, from 67% in 2022.^{40,41} According to a public opinion survey published in September 2023 by the Government Office, 65% of the population trusted Estonian media in covering the war in Ukraine, down from 73% in February 2022.⁴² Public trust in the media also declined in **Slovakia** in 2023. According to Reuters Institute’s Digital News Report 2023, the general public trust in media declined to 27% in **Slovakia**, down from 37% the year before. The report concluded that the precipitous drop “reflects decades of interference by business and political leaders.”⁴³

The situation in **Greece** is even more distressing. A recent study examining perspectives on the news media in more than 40 countries found that only 19% of Greeks had trust in the news media, the lowest among all countries in the report.⁴⁴ This low figure is understandable given that public debate about press freedom has intensified significantly following the 2022 annual press freedom index by Reporters Without Borders (RSF), which ranked Greece 108th, down 38 places from 2021 and below many non-democratic countries; the 2023

RSF report keeps Greece in a similar position, at 107th.⁴⁵

Public trust in the media in the **Czech Republic** reached a record low level in June 2023. This is evidenced by the latest results of the annual report of the Oxford Reuters Institute. According to the Digital News Report, only 30% of domestic respondents declared having trust in the media. This is four percentage points less than in 2022.⁴⁶

In **France**, the public’s confidence in the media is low, according to the 2023 annual report from the Kantar Public Institute. Fifty-four percent of French citizens believe that ‘most of the time, one should approach the media’s coverage of major current issues with caution’; 37% express a general trust in the media.⁴⁷ The report finds that much of people’s mistrust is anchored in doubts about the impartiality and independence of journalists.

Trust in various media platforms and outlets in **Hungary** is highly dependent on the audience’s political views, as found in previous reports. According to the Reuters Institute’s

40 Eurobarometer, *Media & News Survey 2022*, p. 37.

41 Eurobarometer, *Media & News Survey 2023*, p. 44.

42 Government Office (*Riigikantselei*), *Studies*.

43 Reuters Institute, *Digital News Report 2023*, p. 97.

44 Statista, *Trustworthiness of news media worldwide 2023*, 25 September 2023.

45 Reporters Without Borders, *Press Freedom in Greece, 2023*.

46 Rozanek, F. ‘*Digital News Report: Trust in the Czech media is at a record low*’, *Lupa.cz*, 16 June 2023.

47 Kantar Public, *2023 barometer of French confidence in the media*.

Digital News Report 2023,⁴⁸ overall trust in news is extremely low, at 25% (a drop of 2% from the previous year). Meanwhile, 45% have trust in the media they regularly use. Public service media score the lowest, with 29% of respondents trusting their news.

In **Germany**, a 2023 study commissioned by German broadcaster WDR found most Germans consider media coverage to be credible, with public radio stations given the highest credibility (66%) and public television nearly as trusted (65%).⁴⁹ While these figures are comparatively high, they represent a decline from the levels of public trust in media during the coronavirus pandemic. Interestingly, the levels of public trust in media differ markedly between east and west. A 2023 study by the Konrad Adenauer Foundation found that 58% of East Germans trust political news reported by public media, while 73% of West Germans do the same.⁵⁰

Public trust in the media appears to be growing in **Lithuania**, albeit only slightly. According to a public opinion poll from December 2023, 50% of respondents expressed trust in the media, while 46% said they did not generally

trust the media.⁵¹ The findings represent a slight increase from 2022, when 46% expressed trust and 50% of respondents claimed they did not trust the media.⁵² The survey did not attempt to identify the reasons behind people's trust or distrust. In Latvia, trust in public media is also growing slowly: 56% trust Latvian Television and 53% trust Latvian Radio. This is higher than the EU average of 48%.⁵³

48 Szakács J, and Bogнар, Ё., [Following the landslide victory of the ruling Fidesz party in April 2022, leading to a fourth consecutive term for Viktor Orbán as Prime Minister, many media outlets have started downsizing, with some major titles ceasing print publication](#), *Reuters Institute*, 14 June 2023.

49 Jahn, P., [‘In times of crisis, particularly in demand’](#), *Tagesschau*, 19 December 2023.

50 Huber, J., [‘Credibility of public service media’](#), *Tagesspiegel*, 8 June 2023.

51 Valionytė, M., [‘Survey: Trust in the military has increased among residents’](#), *Kauno diena*, 16 December 2023.

52 Augustaitytė, R., [‘Latest institution evaluation: Trust in the media has increased, trust in other institutions has not changed’](#), *Kauno diena*, 11 June 2022.

53 Eurobarometer, [Media & News Survey 2022](#), 2022.

SAFETY AND PROTECTION OF JOURNALISTS

Key Findings:

While the number of serious threats against journalists declined, it is still higher than pre-pandemic years. Attacks happen especially during protests, but bashing by politicians is also an ongoing issue.

Some countries have started collaborative initiatives between journalists and law enforcement. However, resources to investigate attacks are often insufficient.

Even though the police are supposed to ensure the safety of journalists, often attacks are being carried out by law enforcement.

SLAPPs and abusive lawsuits continue to be a widespread problem and a means by which politicians, businesspeople and other people in power try to intimidate journalists, media workers and outlets.

Women journalists continue to face a disproportionate amount of attacks, especially online, and even sexual harassment

while live on the air. Attacks are often sexist and highly sexualized.

Attacks against journalists, including online harassment

The ability of journalists to conduct their work in a safe environment is fundamental to upholding the human right of freedom of expression. Attacks against journalists continue to be a problem and can have a chilling effect on their ability to inform the public and hold those in power accountable. Although reports show a decline from 2022 of the number of serious threats in many countries,⁵⁴ the numbers of attacks are still significantly higher than before the coronavirus pandemic. Nevertheless, journalists in Europe continue to face intimidation, surveillance, attacks and detention. Threats range from physical attacks to imprisonment, media bashing by politicians and effective muzzles imposed by governments.⁵⁵

54 Safety of Journalists Platform, [Press Freedom in Europe: Time to Turn the Tide](#), 2024, p.34.

55 Euronews, [‘Where in Europe has the worst media freedom?’](#), 5 March 2024.

In Croatia, multiple attacks against journalists were reported, ranging from threatening messages on Meta received by journalists⁵⁶ to death threats. It is a common theme that journalists are accused of being paid for publishing critical articles or insinuations that they are working for political opponents. Following reports of possible corruption within the Ministry of Culture and Media, Minister Nina Obuljen Koržinek attacked journalist Dora Kršul. Koržinek claimed that Kršul was deliberately spreading false information and acted maliciously.

In Slovakia, Prime Minister Robert Fico declared in November he would not allow certain “enemy media” (leading media of the country) to enter the Office of the Government of the Slovak Republic. He later clarified that he would cease all communications with the outlets.⁵⁷ Fico claimed that the outlets’ reporting would be nothing but hatred and hostility against his social-democratic party SMER.⁵⁸

A smear campaign was started in **Hungary** against independent media by pro-government politicians and government captured media, as well as other influential figures, after it was revealed that opposition parties had received campaign funding from abroad. The accusation

was that independent media were also receiving foreign funding. Independent outlets such as Telex and Átlátszó were labelled as ‘dollar media’ and accused of serving foreign interests.⁵⁹ This smear campaign has evolved into the adoption of the Sovereignty Protection Act,⁶⁰ which poses a serious threat to the press. The Office for the Protection of Sovereignty, created under this law, can investigate, among other things, media outlets for serving foreign interests. Its findings are made public and there is no legal recourse against the body’s decisions.

Reporting from political gatherings, such as party events, demonstrations or other forms of protest, can be extremely dangerous for journalists. In **France**, following the death of Nahel B. by a police officer in Nanterre on 27 June 2023, 18 journalists and TV crew members were attacked while covering the unfolding arrest. On 30 June, Corentin Fohlen, a photojournalist, was working in Nanterre’s Pablo Picasso housing project when he was attacked by at least three people. The attackers hit his helmet with a cobblestone and tried to steal his camera. A day earlier, a journalist from a local TV station in the Loire region was attacked by 15 people and received death threats while she tried to take pictures of a burned-out vehicle.⁶¹

56 See, Safejournalists.net, [Other threats to journalists](#), Andrej Dimitrijević, Zagreb, 18.1.2023, 19 January 2023.

57 The statement is available at: <https://fb.watch/pOefOjEr9P/>, 13 November 2023

58 Bayer, L., ‘Slovakian prime minister sparks alarm with threat to restrict media’, *Guardian*, 15 November 2023.

59 International Press Institute, Hungary: [IPI joins condemnation of passing of Sovereignty Protection Act](#), 13 December 2023.

60 Act LXXXVIII of 2023 on the protection of national sovereignty, <https://njt.hu/jogszabaly/en/2023-88-00-00>.

61 Laemmlé, B., ‘Riots in France: Journalists face physical threats while reporting on unrest’, *Le Monde*, 7 July 2023.

Journalists covering far-right activities also continue to face serious threats. Media professionals from regional as well as national newspapers became victims of cyberattacks and verbal violence from far-right groups. This is true in **Germany**, where the majority of attacks against journalists in 2023 took place in antisemitic, conspiracy-ideological or far-right contexts.⁶² During an event of German right-wing party Alternative für Deutschland (AfD), a journalist was insulted, beaten and had his car destroyed. It was not the first time he had been attacked.⁶³ While not a direct attack on journalists, another problem for media freedom emerged from the farmer protests. Farmers used tractors and dunghills to block the delivery of newspapers in multiple *Bundesländer* (federal states).⁶⁴

In **Italy**, two journalists of Tg2 were assaulted in January 2023 in front of Milan's Opera Prison by protesters who hurled stones and firecrackers at them.⁶⁵ On the same day, journalists Anna Iselle and Mirko Longhi from the Vicenza local media outlet TvA Notizie were verbally assaulted and threatened by a group of people who surrounded them while

the two were filming a press conference about the area's redevelopment. The two journalists promptly called the police, who intervened without delay.⁶⁶

In **Greece**, Giorgos Papachristos of *TA NEA* was attacked and injured by businessman Yiannis Karagiorgis during halftime of a football match. Karagiorgis punched the journalist in the face and threatened to kill him.⁶⁷

Law enforcement capacity to investigate attacks on journalists

In **Romania**, the investigative journalist Emilia Sercan, who had long been reporting about the plagiarism of academic theses of those in power, including the Prime Minister, saw the investigations into the smear campaign against her closed in 2023. The Prosecutor's Office at the Bucharest High Court of Appeal made the ruling that the offences – including the publication of stolen private photos – were not punishable under criminal law.⁶⁸

62 Reporters Without Borders, [Close-up Germany: press freedom at a glance](#), 2023.

63 Deutschlandfunk, ['Attack on Thuringian Reporter'](#), 20 November 2023.

64 Gehrke, C., ['Berlin: The Number of Attacks on Journalists in 2023'](#), *Berliner Zeitung*, 9 April 2024.

65 Mapping Media Freedom, [Demonstrators attack Tg2 crew with firecrackers and stones](#), 31 January 2023.

66 Mapping Media Freedom, [TV crew attacked and insulted by group of people while on assignment](#), 31 January 2023.

67 Mapping Media Freedom, [Journalist Giorgos Papachristos physically attacked and injured by businessman Yiannis Karagiorgis](#), 29 August 2023.

68 European Federation of Journalists, [Romania: Dismay at the closure of investigation into smear campaign against journalist Emilia Sercan](#), 7 November 2023.

The Romanian authorities had failed to investigate the theft of the private pictures and their publication on various pornographic websites. In summer 2023, Liberties' member organisation in Romania, APADOR-CH, submitted a memorandum to the Attorney General and asked them to take the necessary steps to uphold the law in Sercan's case.⁶⁹ An answer to the memorandum was never published, however the pictures disappeared from the websites.

While in **Sweden** ordinary criminal statutes related to the endangerment of journalists on social media or threats of violence do exist, the Swedish police lack sufficient resources to effectively investigate these activities.

Positive news came from **Croatia**, where in September 2023 the Deputy Prime Minister and Minister of the Interior Davor Božinović, the President of the Croatian Journalists Association (CJA) Hrvoje Zovko, and the President of the Trade Union of Croatian Journalists

and Media Professionals (TUCJ), Maja Sever, signed the Cooperation Agreement⁷⁰ and two accompanying protocols: the Protocol on the behaviour of the police, journalists and other media workers at public gatherings of public interest,⁷¹ and the Protocol on police behaviour when learning about a criminal offence committed to the detriment of journalists and other media workers in the performance of their work tasks.⁷²

In **Ireland**, a non-statutory group was established called the Media Engagement Group (MEG) aiming at improving the safety of media professionals. The MEG is a joint initiative by An Gardaí (the national police), the National Union of Journalists (NUJ) and representatives of media organisations and state agencies. It meets quarterly, monitors attacks and threats, and provides training. MEG has also established a reporting system for profession-related attacks against media professionals.

69 APADOR-CH, [19 NGOs urge the Prosecutor General to respect the law in the case of Emilia Şercan](#), 7 November 2023

70 Cooperation Agreement 2023 between the Deputy Prime Minister and Minister of the Interior Croatia, the President of the Croatian Journalists Association, and the President of the Trade Union of Croatian Journalists and Media Professionals, available at: https://mup.gov.hr/UserDocsImages/2023/9/Potpisivanje%20sporazuma%20HND%20MUP/Sporazum%20o%20suradnji%20MUP_HND_SNH.pdf.

71 Protocol on the behaviour of the police, journalists, and other media workers at public gatherings of public interest, available at: https://mup.gov.hr/UserDocsImages/2023/9/Potpisivanje%20sporazuma%20HND%20MUP/PROTOKOL_2_Javna%20okupljanja%20od%20interesa%20za%20javnost.pdf.

72 Protocol on the police procedure upon learning of criminal offences committed against journalists and other media workers in the performance of their duties, available at: https://mup.gov.hr/UserDocsImages/2023/9/Potpisivanje%20sporazuma%20HND%20MUP/PROTOKOL%201_%20prijava%20KD%20na%20%C5%A1tetu%20novinara%20.pdf.

Violence from law enforcement officers

Bulgaria saw unprecedented violence from the police against journalists in November 2023 during the EURO 2024 qualifying match between Bulgaria and Hungary. On the sidelines of the football match, at least nine journalists and media workers were beaten, intimidated or obstructed by the police. It was reported that at least six journalists were deliberately beaten with truncheons or bunched, with one sustaining serious head injuries. Officers also purposely sprayed tear gas in the face of one journalist. A few days after the incident, the government announced the creation of a parliamentary commission of inquiry.⁷³

An administrative investigation into police violence against journalists was opened in **France** on 9 July 2023. The incidents in question occurred while the journalists were filming the violent arrest of Youssouf Traoré, the younger brother of Adama Traoré, who had died in police custody, during a gathering in memory of the dead in Paris. Florian Poitout, a photographer, published a tweet on 8 July 2023 that he would file a formal complaint against two officers. Poitout says he was thrown on the ground and hit by Brav-M officers, a unit already implicated in several cases of police violence. His camera was damaged during the altercation. Videos show how Pierre Tremblay,

a journalist for HuffPost, was violently thrown on the ground by a shield blow from Brav-M officers. Tremblay suffered a sprained wrist.⁷⁴

State Surveillance

Over recent years, multiple journalists across different EU Member States have become victims of surveillance, mostly through the use of software like Pegasus and Predator. The use of such surveillance software jeopardises the necessary protection of journalists' sources, intimidates journalists and could potentially cause self-censorship and undermine fundamental human rights, democracy and electoral processes.

The EMFA introduced requirements on Member States to protect journalistic sources and confidential communication, including protection against surveillance. However, the EMFA created a derogation opportunity for the deployment of intrusive surveillance software if they meet certain conditions. The new protection mechanism is full of loopholes, and journalists and their sources are still endangered by state surveillance and the abuse of their privacy. For more analysis of this, see the chapter "The European Media Freedom Act".

The European Parliament committee of inquiry to investigate the use of Predator and other surveillance software adopted its final

73 Reporters Without Borders, [Unprecedented police violence against journalists in Bulgaria : RSF will monitor that systemic measures are implemented](#), 23 November 2023.

74 Le Parisien, [Tribute to Adama Traoré: an investigation into violence against journalists](#), 9 July 2023.

report and recommendations⁷⁵ on 8 May 2023. The report concluded that national security had been used as a pretext for EU Member States to justify unlawful and intrusive measures against journalists. The deployment of spyware violated fundamental rights and endangered democracy in several EU countries, including **Poland, Hungary** and **Greece**. The report states that the Greek government had used spyware against journalists, politicians and businesspeople and exported the software to countries with poor human rights records.⁷⁶

Galina Timtschenko, the owner of independent Russian online newspaper Meduza, operating from Latvia, had her iPhone infected with the Pegasus software in February 2023. The software was installed while she was in **Germany**. The day after the phone was possibly infected, Timtschenko met in Berlin with leaders of other independent Russian media in European exile. Though there are many suspects, it is still unclear how and by whom Pegasus was installed on the phone.⁷⁷

Another attempted attack happened in Berlin, Germany, against Vietnamese journalist Khao Lê Trung, the editor-in-chief of thoibao.de.

An account on X (formerly Twitter) shared a link with the goal to infect devices with Predator software. While the attack was ultimately not successful, it is still notable as the journalist lives in Germany and operates his website from the country as well.⁷⁸

Also in **Germany**, investigators monitored phone calls between journalists and members of the climate-activist group Last Generation. A landline, which was mainly used as a press phone, was wiretapped and calls had been listened in on for months. The assignment came from the Attorney General's office in Munich, which was investigating Last Generation on suspicion that they were forming a criminal organisation. Wiretapping of journalists is not strictly banned in **Germany**, however there are high thresholds. Media freedom and the interests of prosecution have to be balanced against each other. It is doubtful that this happened in this case.⁷⁹

Multiple journalists filed a complaint at the Munich District Court about being wiretapped. Ultimately, the court rejected the complaints, stating that the investigations had been more important than freedom of the press

75 European Parliament, [EUROPEAN PARLIAMENT DRAFT RECOMMENDATION TO THE COUNCIL AND THE COMMISSION following the investigation of alleged contraventions and maladministration in the application of Union law in relation to the use of Pegasus and equivalent surveillance spyware](#), 22 May 2023.

76 Stamatoukou, E., 'European Parliament Report Condemns Spyware Abuses in Greece', *Balkan Insight*, 9 May 2023.

77 Mewes, B. 'Russian journalist's iPhone infected with Spyware in Germany', *Heise Online*, 14 September 2023.

78 Amnesty International, [Investigation 'Predator Files' Reveals Attacks by Surveillance Software – Also in Germany](#), 9 October 2023.

79 Tagesschau, [Alleged wiretapping operation against "Last Generation"](#), 26 June 2023.

as Last Generation was posing a considerable threat to public security.⁸⁰

In October 2023, it was revealed that journalists from the **Dutch** newspaper *De Correspondent* were wiretapped in 2022 by the Public Prosecution Office (OM) during a conversation with columnist Sywert van Lienden and his business partners. Van Lienden has been taken to court by the Dutch government over a disputed deal for providing face masks during the COVID-19 pandemic. *De Correspondent* was conducting research into mask deals. The Public Prosecution Office was aware of the attendance of the journalists but claims it only learned of it the evening prior.⁸¹

Abusive lawsuits

The misuse of legal means and the threat of lengthy and costly legal proceedings to harass or intimidate journalists or discourage them from conducting investigations into public interest matters have a negative impact on access to information and freedom of expression. Lawsuits have increasingly become

weapons and continue to be a major concern for journalists and civil society organisations fulfilling a watchdog role.

Strategic lawsuits against public participation (SLAPPs) remain an issue in many EU countries, even though various positive initiatives were taken that testified to a growing awareness by governments of the threat to fundamental rights and democracy that SLAPPs represent. As a result of this recognition, the EU has adopted its Anti-SLAPP Directive⁸² (in 2024), and the Council of Europe adopted its recommendation⁸³ (also in 2024).

In **Croatia**, a survey by the Croatian Journalist Association found that in 2023, at least 945 lawsuits were active against media and journalists.⁸⁴ In around 910 of them, plaintiffs were seeking damages for alleged violations to honour and reputation. Often, the plaintiffs are people from public and political life, including politicians, as well as legal personnel and judges. Hanza Media alone is facing 421 civil proceedings and 11 criminal proceedings. Even though a working group was established by the Ministry of Culture and Media in 2022,

80 Bayerischer Rundfunk, [Subject: Wiretapping of press contact “Last Generation” lawful](#), 29 November 2023.

81 Wijnberd, R. and Smits, R., ‘[De Correspondent has been wiretapped by the Public Prosecution Service in conversation with Sywert van Lienden, Bernd Damme, and Camille van Gestel](#)’, *De Correspondent*, 20 October 2023.

82 EUR-Lex, [Directive \(EU\) 2024/1069 of the European Parliament and of the Council of 11 April 2024 on protecting persons who engage in public participation from manifestly unfounded claims or abusive court proceedings \(‘Strategic lawsuits against public participation’\)](#), 16 April 2024.

83 Council of Europe, [Recommendation CM/Rec\(2024\)2 of the Committee of Ministers to member States on countering the use of strategic lawsuits against public participation \(SLAPPs\)](#), 5 April 2024.

84 Croatian Journalists’ Association, [HND Research: Number of Lawsuits Against Journalists and Media Shows no Sign of Abating, with at Least 945 Active Lawsuits](#), 2 May 2023.

an official definition of a SLAPP has not yet been established and the courts do not classify such lawsuits.

In **Italy**, the number of lawsuits that have been used by political figures in an attempt to target government critics has increased. Matteo Salvini, leader of the Lega party and Minister of Infrastructure, announced in June that he had instructed his lawyers to take action against *L'Espresso* for their 2019 reporting on the so-called Metropoli case, where the outlet revealed alleged connections between Lega and the Kremlin.⁸⁵ In March, Claudio Durigon, Undersecretary at the Ministry of Labour and Social Affairs, initiated a legal defamation lawsuit against the newsroom of *Domani*. Police officers handed over a seizure order against a *Domani* article which examined alleged connections between Durigon and members of a criminal organisation in Latina, south of Rome.⁸⁶

Following the biggest wiretapping scandal in **Greece** (known locally as 'Predatorgate') in recent years, SLAPPs and other legal

actions have become a widespread tool aimed at intimidating and silencing journalists in the country. In December, Grigoris Dimitriadis – nephew and former secretary of Greek Prime Minister Kyriakos Mitsotakis, who had resigned following revelations of his alleged involvement with the company selling the Predator spyware – filed a series of SLAPPs against journalists and media outlets reporting on the scandal. Dimitriadis initiated lawsuits against the media outlets *Efimerida ton Syntakton*, the media group Alter Ego and the journalist Dimitris Terzis, and for a second time against journalists Thanasis Koukakis, Nikolas Leontopoulos, Thodoris Chondrogiannos and Christoforos Kasdaglis.⁸⁷

A worrying development has emerged in **Sweden**, where a new organisation, misleadingly called Förtalsombudsmannen ('The Defamation Ombudsman'), was founded in March. The self-proclaimed defamation ombudsman, Christian Peterson, has a history within the violent Swedish Nazi movement called the Nordic Resistance Movement. According to Peterson, the "Ombudsman" offers guidance,

85 Mapping Media Freedom, [Lega threatens L'Espresso with legal action](#), 3 June 2023.

86 Mapping Media Freedom, [New defence minister announces intention to sue Domani over report on alleged conflict of interest](#), 27 October 2022; Kelner, S. B., 'A Republic Founded on Lawsuits Against Journalists', *Domani*, 7 March 2023; Resource Center on Media Freedom in Europe, [Italy: Prosecutor issues seizure order for article published by newspaper Domani](#), 10 March 2023; Resource Center on Media Freedom in Europe, [Media, politics, and vexatious lawsuits - An Italian perspective](#), 31 August 2023; Resource Center on Media Freedom in Europe, [Interview with Nello Trocchia](#), 17 October 2023; Feltri, S., 'The prosecutor of Rome stops the latest judicial attack by the government on Domani', *Domani*, 17 March 2023; D'Amato, F., 'Durigon and the clan, the judge dismisses the undersecretary's lawsuit against Domani', *Domani*, 30 November 2023; Tizian G, and N. Trocchia, 'Durigon Attacks Domani: "Give Me 200,000 Euros. And No More Articles on the House."', *Domani*, 13 December 2023.

87 Stamatoukou, E., 'Greek Union Condemns Former Govt Official's Mass SLAPPs Against Media', *Balkan Insight*, 8 December 2023.

research and financial support for those who want to participate in a “mass voting against left-wing individuals”.⁸⁸ The aim is to discredit, silence and disrupt political opponents while making it impossible to publicly label someone as a Nazi by filing defamation lawsuits. Currently, it appears that journalists and various opinion leaders, some more left-leaning, have been the primary targets.

The effects SLAPPs and other abusive lawsuits can have on the work of journalists and the media can be seen in the **Netherlands**. Research published by the Dutch National Association of Journalists and PersVeilig shows that almost 50% of journalists and more than 90% of editors have been legally intimidated due to publications. Due to this, many journalists are more careful about what kinds of articles they publish, going as far as self-censoring.

Despite these concerns, the Dutch government has yet to start an investigation into the numbers and scale of SLAPPs, even though this investigation was planned to start in 2019. The government also has failed to pass anti-SLAPP measures, aside from transposing the EU Anti-SLAPP Directive.

Legal safeguards against SLAPPs are completely lacking in **Germany**. No government-funded information or support structures exist for affected journalists. At the same time,

a number of lawsuits which could be classified as SLAPPs were brought against journalists and media outlets in 2023. Most notably, this occurred over allegations of abuse against the lead singer of the band Rammstein, when a law firm threatened potential victims with legal proceedings if they testified against singer Till Lindemann.⁸⁹

In **Hungary**, influential and wealthy people use the provisions of the European General Data Protection Regulation (GDPR) to their advantage and to prohibit the media from reporting on the substantial enrichment of their business, often with state subsidies.

New measures to improve the protection of journalists

Positive developments were made in **Ireland** and the **Netherlands** to strengthen the protection of journalists and media workers. In Ireland, a new draft bill was proposed which is supposed to amend the existing defamation laws.⁹⁰ One of the goals of the changes is to address challenges posed by a new and more complex media landscape. Among other things, the draft bill seeks to improve the ability to tackle online defamation and abolish juries in High Court defamation cases, and it

88 Dagens Nyheter, ‘Courts become tools when nationalists want to “mass sue leftists”’, 20 October 2023.

89 T-Online, ‘Lindemann Hires Lawyers – and Goes on the Offensive’, 8 June 2023.

90 Department of Justice, ‘Draft General Scheme of the Defamation (Amendment) Bill’, 28 March 2023.

will include new measures to tackle SLAPPs.⁹¹ The bill has completed pre-legislative scrutiny⁹² and it is expected that the revised bill will be published in 2024.

Good news comes from the **Netherlands** as well. The Dutch government ensured that the organisation PersVeilig (PressSafe), which was founded in 2019, received structural funding after concerns were raised about the vulnerability and sustainability of the initiative. In July 2023, the Dutch Senate passed a new bill which criminalises doxing, the publication of personal data such as addresses or phone numbers. Doxing is commonly used as a method to intimidate journalists, which can then lead to offline attacks.⁹³

Gender-based violence

Women journalists continue to face a disproportionate amount of attacks, especially online. The initiative Mapping Media Freedom tracked 281 recorded instances of against women journalists and media workers in European Union Member States and candidate

countries. Most commonly, they face verbal attacks.⁹⁴ Online they often find themselves victims of graphic, intimate and highly sexualized attacks like rape threats. The advances in artificial intelligence now also make it easier to create and spread deep fakes – manipulated pieces of content like pictures or videos.⁹⁵

In **Spain**, at least two women journalists were sexually harassed and assaulted while reporting live. Isabel Balado, a reporter for the Cuatro channel, was doing a live coverage of a robbery when a man approached her from behind and groped her bottom while passing by and stopped right next to her. After a short confrontation, during which the attacker denied that any physical contact happened, the man reached out and rubbed Balado's hair before walking away. The Madrid police announced later that day that the man had been arrested for sexual assault.⁹⁶

María Morán, a sports journalist for GoITV, became the target of rape and death threats after a press conference where she asked Real Madrid football coach Carlo Ancelotti about the behaviour of a controversial player on

91 Department of Justice, [Minister Harris publishes draft legislation to reform Ireland's defamation laws](#), 29 March 2023.

92 Joint Committee on Justice, [Report on Pre-Legislative Scrutiny of the General Scheme of the Defamation \(Amendment\) Bill](#), September 2023

93 Government of the Netherlands, [Use of personal data for the objective of harassment to become criminal offence](#), 12 July 2023.

94 European Centre for Press and Media Freedom, [Safeguarding women journalists in the digital age](#), 8 March 2024.

95 Ewen, M., [We Must Do More to Address the Online Harassment of Women Journalists](#), *Freedom House*, 2 November 2023.

96 Mapping Media Freedom, [Journalist Isabel Balado sexually assaulted while live reporting](#), 12 September 2023.

the field. Morán received sexist insults, rape and death threats, with one person even targeting her young daughter and calling her a “bastard”.⁹⁷

Negar Josephi, a woman freelance journalist in **Sweden**, received death threats after she published an article in GP Kultur. A man on the phone directed antisemitic and misogynistic insults at her and threatened to kill her, her husband and her son. After she blocked the caller, she continued to receive threatening text messages from another number. It was not the first time the man targeted journalists. Josephi and her family now live with a protected identity and she carries an assault alarm.⁹⁸

97 Mapping Media Freedom, [GolTV sports journalist María Morán targeted with rape and death threats online](#), 1 May 2023.

98 Hilton, J., [‘Threats against Negar Josephi must be taken seriously’](#), *Göteborgs-Posten*, 4 March 2023.

FREEDOM OF EXPRESSION AND INFORMATION

Key findings:

- Media outlets and journalists continue to face threats to their ability to perform their work and to access necessary information.
- Hate speech against journalists, activists and others continues to proliferate on social media, sometimes initiated by politicians. Efforts to combat it at national level have been insufficient so far, but there is hope EU-level legislation will have some impact.
- Efforts to tackle disinformation are often either insufficient or possibly counterproductive, and there were instances of their application against journalists in 2023.
- Many EU countries have made it more difficult to access information, and journalists' requests for information are often ignored or dragged out by authorities.

Freedom of expression and censorship

Restrictions on freedom of expression and censorship in some form continue to be an issue in many EU Member States, a trend observed over previous editions of this report. Civil society organisations in **Bulgaria, Croatia, Estonia, Greece, Hungary, Ireland** and **Italy** reported attempts to censor members of the press or otherwise restrict freedom of expression.

Multiple instances of obstructing journalists' work were recorded in **Croatia** in 2023. The office of the President denied accreditation to a journalist of *Jutarnji list*, Krešimir Žabec, for President Zoran Milanović's press conference on the occasion of the (non)appointment of the director of the Military Security Intelligence Agency (VSOA).⁹⁹ Journalist Valentina Wiesner was excluded from the publicly funded conference 'Consumer Protection in Insurance and Pension Savings - EU Strategy and Croatian Practice', organised by the Croatian Financial Services Supervisory Agency (HANFA). The Croatian Journalists'

⁹⁹ Toma, I., 'President Milanović banned a journalist from *Jutarnji list* from attending the press conference!', *Jutarnji list*, 4 July 2023.

Association considered this to be an act of censorship.¹⁰⁰

Italy has created a rule that makes it difficult, if not impossible, to verify some news. It imposes a ban on publishing any content on reasons for arrest or judicial proceedings or on the contents of precautionary custody orders, at least until the end of the preliminary hearing. Italian journalists have labelled the ban a ‘gag law’ and a serious blow to the right to freedom of the press.¹⁰¹ Italy’s Parliament advanced five bills to reform the regime on defamation. Worryingly, some of these amendments have shifted their focus from the need to protect journalists from abusive lawsuits to the need to safeguard plaintiffs and prioritise their reputational rights over freedom of expression.¹⁰²

In 2023, Mapping Media Freedom registered 24 incidents in Italy of legal proceedings launched against journalists, severely threatening freedom of expression.¹⁰³ A notable example is that of journalist Roberto Saviano, who was found guilty of criminal defamation by the Criminal Court of Rome in October

2023. The case was initiated by current Prime Minister Giorgia Meloni in November 2021, when she was leader of the opposition. The lawsuit accused Saviano of aggravated criminal defamation for his critical comments about Meloni’s persistent anti-migrant stance, voiced during a television programme. The Criminal Court of Rome convicted Saviano of criminal defamation, a serious blow to freedom of expression.¹⁰⁴

In **Bulgaria**, the Bulgarian Helsinki Committee began a petition last year urging the Prosecutor’s Office to dissolve the ultra-nationalist Vazrajidane party. Since 2019, the party has carried out attacks on the freedom of expression of journalists who challenge their positions. Despite this, the petition was rejected in August of last year.

There is continued concern in **Ireland** that the Electoral Reform Bill gives the Electoral Commission the power to limit the freedom of expression of individuals based on the Commission’s own interpretation of what is misleading, ‘may’ cause public harm, or is deceitful

100 Croatian Journalists’ Association, [CJA’s open letter to Ante Žigman, President of the Croatian Financial Services Supervision Agency](#), 6 September 2023.

101 Articolo 21, [Protection of sources and the right to report: National Council of FNSI in the square on December 14th](#), 2 December 2022; Osservatorio Balcani e Caucaso Transeuropa, [Network NoBavaglio, appeal from journalism professionals and civil society: “We won’t let ourselves be silenced”](#), 21 December 2023.

102 Senate of the Italian Republic, [Amendments to the Law regarding defamation through the press or other means of dissemination, professional secrecy, and the establishment of the Jury for the Correctness of Information](#), 21 April 2024.

103 Available at Mapping Media Freedom: https://www.mapmf.org/explorer?f.from=2023-01-01&f.to=2024-01-09&f.country=Italy&f.type_of_incident=Legal+incident

104 Media Freedom in Europe, [Italy: Roberto Saviano’s conviction a major blow to free expression](#), 13 October 2023.

in nature. Granting the Electoral Commission such authority creates the potential not a chilling effect on the free expression of opinion, and it may also create scenarios where statements, utterances or other online publications incorrectly classified as ‘misinformation’ are effectively excluded from the electoral discourse.

In November 2023, **Greece’s** Ministry of Justice presented draft amendments to the penal code that media unions warned could leave journalists at greater risk of serving prison sentences for criminal defamation.

Hate speech

In 2023, hate speech remained a serious issue in many Member States. Some countries have initiated legislation to combat rising hate speech and crimes, although in places this action has been stalled. Overall, efforts to address it appear to be insufficient in a number of states.

Following a series of events in the first half of 2023, Liberties’ member organisation in **Bulgaria**, the Bulgarian Helsinki Committee, began a petition, endorsed by numerous esteemed representatives of civil society, media, and academia, urging the Prosecutor’s Office to dissolve the ultra-nationalist Vazrajidane party. The party was also involved in antisemitic speech online and other instances

of hate speech against minorities dating back to 2015. The petition was rejected in August, a decision currently being appealed.

In **Ireland**, the Criminal Justice (Incitement to Violence or Hatred and Hate Offences) Bill 2022 is continuing its passage through Parliament, although there has been no progress since June 2023.¹⁰⁵ The legislation would criminalise hate crimes and create aggravated forms of criminal offences if they are motivated by hate, allowing for an enhanced penalty. 2023 saw an alarming increase in online attacks, threats and hate speech in **Italy**, including by public institutions and politicians. Elena Cecchetti, whose sister was murdered by her former partner, experienced relentless threats and hate speech online after she took to social media platforms to spread awareness of gender-based violence and rape in Italian society and culture.

By the summer of 2023, the **Czech** Ministry of the Interior had recorded 69 hate crimes in the first six months of the year.¹⁰⁶ Hate speech, incitement to hatred, and spreading alarmist (and/or disinformation) messages are commonplace on social networks. In April 2023, **Germany’s** Federal Ministry for Justice published key points of its planned law against digital violence. Among its aims is to make it easier for those targeted by digital violence to request information, and to introduce court-ordered account suspensions to

105 Criminal Justice (Incitement to Violence or Hatred and Hate Offences) Bill (2022), <https://www.oireachtas.ie/en/bills/bill/2022/105/?tab=debates>.

106 Advokátní deník, ‘MV has recorded 69 hate crimes, police cleared less than half of them’, 4 August 2023.

efficiently combat digital violence, although some civil society groups have warned that it could be too far-reaching. The law is expected to be adopted in 2024.

In March 2023, **Slovenia's** Prime Minister established the Strategic Council for the Prevention of Hate Speech. The council consists of representatives of relevant government departments, independent state bodies, and civil society organisations and will monitor hate speech in Slovenia and at EU level and propose actions to prevent it, among other things.¹⁰⁷

Fighting disinformation

Last year's Media Freedom Report found that many countries lack adequate responses to disinformation, with laws often not worded clearly enough, leading to journalists self-censoring. There were several notable developments against disinformation in Member States last year, although legislative responses to the issue appear to be either insufficient or misapplied.

Under a draft law working its way through the legislative process in **Ireland**, online platforms will be required to report possible disinformation or misinformation in the online sphere to

the Electoral Commission in the lead up to an electoral or referendum period. They will also be required to put in place a notification mechanism for users to report possible disinformation relating to online electoral information and misinformation relating to online electoral process information.¹⁰⁸

There were several criminal judgements handed down against disinformation agents in the **Czech Republic** last year. The Supreme Administrative Court upheld prison sentences of two Czechs for their hate speech and disinformation against Ukrainians.¹⁰⁹ Disinformation propagator Jakub Netík was also penalised for Facebook videos in which he repeatedly defended the Russian invasion of Ukraine and expressed regret that Russia did not advance further into Europe. The wave of disinformation has also affected presidential elections, and according to a survey by the company Median, 63% of Czechs consider the uncontrolled spread of false and manipulative news to be a problem.¹¹⁰ The government, led by Prime Minister Petr Fiala, does not adequately address this issue. In the spring, the government's special office for disinformation was abolished without replacement.

Legislative changes in **Greece** figure to make future disinformation convictions more

107 The news of the establishment of the Council is available at: <https://www.gov.si/en/news/2023-03-17-prime-ministers-office-launches-the-strategic-council-for-the-prevention-of-hate-speech>

108 Electoral Reform Bill (2022), https://data.oireachtas.ie/ie/oireachtas/bill/2022/37/eng/ver_a/b37a22d.pdf.

109 Hospodářské noviny, 'Condition for Čermák, 10 months for Tušl. Court confirmed sentences for hate speech against Ukrainians', 9 August 2023.

110 Vašíčková, K., 'SURVEY: According to the majority of Czechs, the government is not adequately combating disinformation and conspiracy theories', *iROZHLAS*, 9 July 2023.

difficult. Article 191 of the Criminal Code aimed at preventing the spread of disinformation has been amended. For an offence to be committed, the concrete “effect” of “causing fear” is required and not merely the abstract risk of “causing fear in citizens”, which is a concept difficult to prove and not easy to evaluate. Moreover, the amendment removed the aggravating circumstance of repeated offence. The law has also been misapplied: French-Canadian journalist Romain Chauvet was sentenced under the law for allegedly claiming there was a bomb on an airliner, which he denies.¹¹¹

Italy’s government adopted Presidential Decree No. 174/2023¹¹² to combat disinformation. According to the decree, there should be a “guarantor of information” whose task is to combat the spread of fake news. However, the decree does not specify how this figure will have to carry out the difficult job of preventing the spread of disinformation.

Legislative action in **Latvia** designed to combat disinformation might be counterproductive. In September 2023, the Parliament passed a bill that requires all content created by public media after 1 January 2026 to be in the Latvian language or other languages belonging to the European cultural space,

i.e. the EU. Russian is spoken by more than a third of Latvia’s population, and civil society in the country has warned that this change risks depriving Russian speakers in Latvia of access to credible and fact-checked information, leaving them exposed to Kremlin disinformation and propaganda.¹¹³

Lithuania also faced challenges posed by disinformation in 2023. A draft law was introduced to amend Article 118-1 of the Criminal Code, targeting those who manipulate accounts on online social media platforms to disseminate or amplify disinformation against the Republic of Lithuania.¹¹⁴

Freedom of information

Restrictions on access to public interest information remain a problem in a number of EU Member States, including **Germany, Hungary, Lithuania**, and the **Netherlands**. Some governments continue to refuse journalists access either to documents or events.

In June 2023, Reporters Without Borders (RSF) published a report on access to information in the Baltics.¹¹⁵ The report highlighted inefficient access to information mechanisms in all three countries, due to issues like

111 Reporters Without Borders, [Greece : RSF is concerned about the possible conviction of a French-Canadian reporter accused of issuing a false bomb alert](#), 25 October 2023.

112 Official Gazette of the Italian Republic, [Presidential Decree No. 174/2023](#), 2023.

113 Vestnesis.lv, [Approval of the National Security Concept](#), 28 September 2023.

114 The Republic Of Lithuania, [Supplementing The Criminal Code With Article 118-1 Legislation](#).

115 Reporters Without Borders, [‘Access to information in the Baltics: RSF asks the authorities to address a weak spot of press freedom’](#), 22 June 2023.

misinterpretation of regulations and a desire to balance data privacy considerations.¹¹⁶ While journalists in Lithuania are the most privileged in terms of access to information, the country's access to information mechanisms were found to be the most in need of improvement because of a "complex web of norms that journalists find hard to understand".¹¹⁷ A review of freedom of information legislation in Ireland was commenced in 2021 but has not progressed in over 12 months.¹¹⁸

In **Hungary**, journalists' inquiries from the press to public authorities go unanswered. Formal freedom of information requests also tend to go unanswered, or are fulfilled only years later. The independent press is very rarely given the opportunity to interview senior public officials, and employees of public bodies (including not only ministries but also, for example, state-run hospitals or schools) are instructed not to make any statements. A narrower group of independent press staff are particularly disadvantaged by the fact that they are typically not accredited for public events related to government, and in many cases are not invited to press conferences (from government spokesperson briefings to municipal press conferences), or are invited very late or refused registration.

Despite the European Commission's recommendation in its 2023 Rule of Law Report, **Germany** has yet to move forward with a plan to create a legal basis for a right to information of the press. Similarly, authorities in the *Länder* (federal states) do not give journalists the right to access documents, but only to have their questions answered. To access public documents, they must base their claims on the freedom of information acts of the individual states, some of which differ considerably and may have broad exceptions, such as the transparency legislation of Saxony (or not even exist, such as in Bavaria and Lower-Saxony).¹¹⁹

In 2023, the **Dutch** Advisory Board on Public Access and Information Management (ACOI) commissioned research to evaluate the functioning of the new Open Government Act, a law that went into effect in 2022 with the aim to make government information easier to find, share and archive.¹²⁰ The research indicated that access to information processes have not yet improved, and government cooperation remains unsatisfactory. Journalists expect deliberate, politically motivated delays and believe that the government does not always apply grounds for exception correctly.

116 Ibid.

117 Ibid.

118 Department of Public Expenditure and Reform, *Review of the Freedom of Information Act Progress Update*, December 2022.

119 Dachwitz, I., 'We're Lagging Far Behind in Some Areas', *Netzpolitik.org*, 31 December 2022.

120 NL Times, 'Majority of journalists dissatisfied with government's information access', 27 October 2023.

THE EUROPEAN MEDIA FREEDOM ACT

The European Parliament gave final passage to the **European Media Freedom Act (EMFA)** in 2024, making it law across the EU. The EMFA creates a new oversight body and new measurements and criteria for media freedom and pluralism across Member States. The law represents a significant step forward toward a more balanced and pluralistic media system, laying down minimum standards for Member States, national media authorities, self-regulatory bodies, and editorial staff to combat threats to media freedom and pluralism, such as media capture by governments and companies, the safety and protection of journalists, or the editorial independence of media outlets. This chapter discusses certain shortcomings in the EMFA that should be addressed or could be counterbalanced by a strong oversight body and proper enforcement mechanisms.

The majority of the rules set out by the EMFA will enter into force in August 2025. However, certain rights of media service providers (Article 4 (1)-(2)), and on editorial independence (Article 6 (3)), new rules for national media authorities (Article 7), and the mandate of the newly created European Board for Media Services ('the Board') will enter into force in February 2025. The structured cooperation between national media authorities (Article 14) and the coordination of measures concerning media services from outside the Union (Article 17) will be in effect from May 2025. During the trilogue negotiations, the EMFA was amended to allow the audience to

customise the media offering by changing the configuration and default settings of any device or user interface. The rules about customising media offerings, changing configurations, and including default settings in Article 20 will only be in effect from May 2027.

The EMFA falls short of tackling numerous pressing issues within the European media landscape and addresses only a limited number of threats to media freedom and pluralism. It lays down very minimum standards and leaves many problems to Member States and their national authorities to address. That said, the European Media Freedom Act creates new and important layers of protection for media freedom and pluralism.

Protection and safety of journalists

One of the key areas where Member States should enhance their efforts is in protecting journalistic sources and regulating how to minimise the derogation of the bans set out in Article 4 (3). The EMFA requires Member States to protect journalistic sources and confidential communication. However, under Article 4 (4), the EMFA creates the derogation opportunity for national legislatures and law enforcement agencies to oblige media service providers or their editorial staff to disclose information and identify journalistic sources and confidential communications. Moreover,

while the EMFA bans detaining, sanctioning, intercepting, or inspecting media service providers or their editorial staff, it creates a loophole to derogate from this ban as well. Article 4 (5) even allows Member States to deploy intrusive surveillance software if they meet certain conditions that legitimise Member States' deployment of Pegasus, Predator, and similar surveillance software.

The opportunity for the deployment of surveillance techniques and the obligation to reveal journalistic sources or confidential information violates due process rights, and it poses a threat to freedom of expression and access to information. The new rules will have a chilling effect on journalistic sources, deterring them from coming forward with sensitive information for fear of being surveilled. The derogation from the bans raises worries about the potential for abuse, such as unjustified criminal offences, wiretapping, searches, and harassment without explicit accusations against journalists.

Through these derogations, the EMFA potentially legitimises state surveillance against journalists, whose role is to serve as a watchdog. Article 4 of the EMFA creates an imbalance in arms between the state and the media sector. It fails to meet the standards that the case law of the European Court of Human Rights and the Court of Justice of the EU sets out.

Public service media providers

Independent public service media (PSM) play an essential role in media pluralism, freedom of expression and access to information. However, in a number of Member States, public service media services are exposed to political manipulation, governments exerting influence or control, and, in extreme cases, employing public service broadcasters as tools for their propaganda.

Article 5(2) of the EMFA aims to mitigate such influences by imposing requirements for the appointment and dismissal of PSM management, requiring transparent and non-discriminatory procedures, and ensuring that appointments are made based on criteria emphasising independence, effectiveness, and openness. However, despite these efforts, challenges remain in countries where government capture of public service broadcasters is an issue.

In some countries, public service media providers are financially weak. Article 5 (3) requires Member States to ensure transparent and objective funding procedures that create sustainable and predictable financial resources to ensure editorial independence.

While Article 5 underscores the importance of transparency and safeguards against political interference, it may prove insufficient in addressing systemic issues in member states where government influence over public service media remains entrenched.

Media ownership

Transparency of media ownership¹²¹ strengthens the accountability of media service providers and, with the support of public scrutiny, helps secure media freedom and pluralism. Transparency of media ownership also improves the functioning and convergence of the EU media market. Moreover, transparency is vital to inform the public about possible political interference and allowing regulators to prevent media ownership from being excessively concentrated in the hands of too few owners, who then have undue influence over democratic discussions.

The European Parliament pushed for extensive openness to information about the beneficial owners of media companies, including their political affiliation, by creating robust transparency and accountability standards and the opportunity to intervene through market regulation if needed. The final version of the EMFA is a considerable step back from the Parliament's version. It only requires the disclosure of the name and contact details of the direct and indirect owners who can influence the operation and decision-making, leaving it to media services to define some of these limits. The name(s) of their beneficial owners and the total annual amount of advertising received from the state or third-country entities must also be published.

Instead of setting up a centralised EU database, the EMFA creates a fragmented application. National regulatory authorities will develop a national media ownership database. Despite the remaining problem of the limited transparency of media companies' ownership structures, Article 16 (2) (b) refers to the possibility of the Commission issuing guidelines on making information accessible on the ownership structure of media services providers.

The European Board of Media Services

Chapter III of the EMFA introduces new rules on the regulatory cooperation of the national media authorities, replacing the European Regulators Group for Audiovisual Media Services with the European Board of Media Services ('the Board'). While the new rules create the foundation for strong cooperation and balance between the Board and national authorities, enforcers and legislators still need to address the problem of the independence of the national regulatory authorities and bodies. The EMFA does not create proper safeguards for adequate financial, human, or technical resources, nor does it counterbalance government or business influence.

Liberties welcomes the role of the Board and its potential to oversee and further support media freedom and pluralism in the EU. The role of civil society organisations is to participate in structured dialogues, which

121 Rohrbacherová, L. and Simon, É., [Transparency of Media Ownership within the EMFA Proposal](#).

are essential to improve the understanding of the media market. Civil society organisations, including journalists' associations, could have more meaningful interventions. Therefore, the Board should develop a consultation mechanism with these organisations.

Access to media services in the digital environment

The EMFA introduced a quasi-must-carry obligation for very large online platforms (VLOPs) with regard to self-declared media services: if VLOPs, such as Meta, X, or YouTube, intend to suspend or restrict the visibility of media content on the grounds of breaching their terms and conditions, they must allow 24 hours for affected media to respond.

We support the Digital Services Act remaining intact regarding the protection of minors, risk mitigation, crisis response mechanisms, and illegal content. However, it is problematic that, according to the EMFA, VLOPs will have the power to decide whether a media outlet's declaration of independence from Member States, political parties, or third countries is valid or not. The registration process and the role of the national authorities could potentially undermine the equality of speech and vivid democratic discussions and potentially fuel disinformation. A crisis situation could be

exploited to increase government intervention. Therefore, common guidance from the Board is important in order to properly support this process.

Also, the Board and the Commission have a significant role in structured dialogue and recommended actions. In order for this dialogue to be as informed and constructive as possible, the Board and the Commission must include civil society.

Public funds for state advertising

The new rules of state advertising¹²² in Article 25 of the EMFA aim to guarantee that state advertising is distributed fairly and not used as a form of political pressure. Many media outlets depend on state advertising, meaning that a lack of proper safeguards can quickly lead to a distorted media market. The absence of consistent and adequate rules at national level creates discrimination in the media market, negatively influencing media freedom and pluralism. Therefore, Article 25 was much needed to create safeguards and transparency regarding public funds for state advertising.

Public funds for state advertising must meet criteria based on transparency, objectivity, proportionality and non-discrimination and be spent through open and transparent procedures.

122 Rohrbacherová, L., *Transparency of State Advertising in the EMFA Proposal*, *European Partnership for Democracy*, February 2023

The yearly public expenditure for state advertising should be publicly available and include both the receiver and the amount spent. However, the new rules do not create proper safeguards against the misuse of state advertising. Emergency messages and situations, such as the COVID-19 pandemic or a flood, have often been used as an excuse for partial media financing. The EMFA did not close the loophole by including emergency messages to the definition of state advertising. However, Member States still have the opportunity to do so.

The Civil Liberties Union for Europe (Liberties) is a non-governmental organization promoting and protecting the civil liberties of everyone in the European Union. We are headquartered in Berlin and have a presence in Brussels. Liberties is built on a network of national civil liberties NGOs from across the EU. Unless otherwise indicated, the opinions expressed by Liberties do not necessarily constitute the views of our member organizations.

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