



Liberties Media Freedom Report 2023

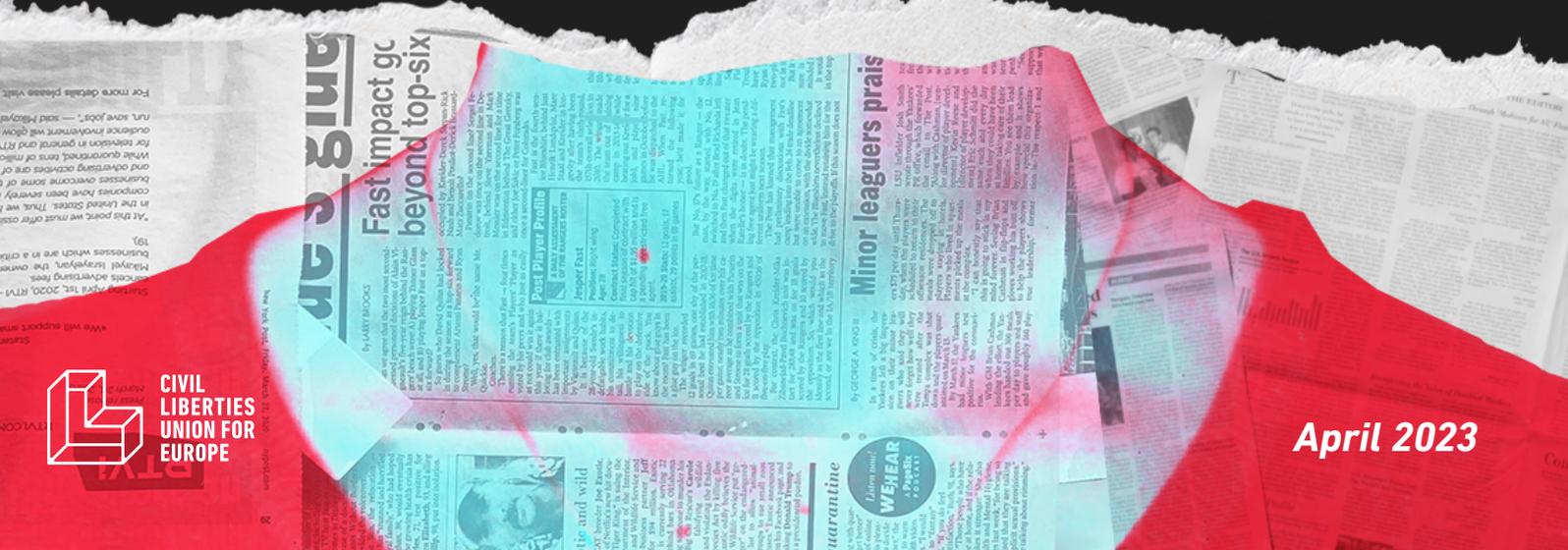


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Executive Summary

About this report

The Media Freedom Report 2023 is the second annual report on media freedom in the European Union (EU) produced by the Civil Liberties Union for Europe (Liberties). It complements Liberties' annual Rule of Law Report,¹ written with the participation of our member and partner organisations in eighteen countries across the EU.

The report covers the main developments in media freedom in 2022 in those eighteen countries, namely Belgium, Bulgaria, Croatia, Czech Republic, Estonia, France, Germany, Hungary, Ireland, Italy, Lithuania, the Netherlands, Poland, Romania, Slovakia, Slovenia, Spain and Sweden. It focuses on three topics: media freedom and pluralism, safety and protection of journalists, and freedom of expression and information. In addition, it formulates a series of recommendations to the EU institutions.

Media freedom and pluralism is a precondition of a stable democracy. This monitoring exercise is an attempt to prevent abuses and promote accountability and justice. Monitoring and

exposing violations to media and press freedom and the right to freedom of expression and information helps identify and document those responsible for committing violations. This report makes clear the myriad threats facing media freedom in the EU and supports advocacy work aimed at strengthening the European Media Freedom Act (EMFA).

Context

Several events occurred in 2022 that will have a long-lasting impact on EU media markets. The final draft text of the Digital Services Act (DSA) and the Digital Markets Act (DMA) were approved² and the European Commission unveiled the European Media Freedom Act (EMFA),³ three landmark regulations that will be decisive in protecting media freedom and pluralism in the EU and beyond.

The past year was marked by three major elections in the EU. While the parliamentary elections in **Slovenia** and general elections in **Sweden** and the resulting change in government may symbolise a turning point in the countries' respective politics, including media policies,

1 <https://www.liberties.eu/en/stories/rolreport2023-main/44656>

2 European Parliament, [Digital Services: landmark rules adopted for a safer, open online environment](#), July 5, 2022.

3 European Commission, [European Media Freedom Act: Commission proposes rules to protect media pluralism and independence in the EU](#), September 16, 2022.

the parliamentary elections in **Hungary**, with the victorious Fidesz party, set the scene for another four-year term of authoritarian Prime Minister Viktor Orban and his pursuit to fully control the media landscape in Hungary.

2022 was also the year of the Russian invasion of Ukraine, which not only had a significant impact on the global economy, but also on the European media landscape, as Russian war propaganda spread across social media. European lawmakers responded by putting pressure on Big Tech to crack down on Russian state accounts, imposed sanctions on⁴ and later banned several state-owned Russian broadcasters⁵ and called for more action to tackle misinformation online.⁶

Key findings

This year's report shows that in most countries, there has been no progress on media freedom in general. The issues evidenced in last year's report largely remain,⁷ and in some cases the situation even worsened, as expressed by the European Parliament, which recently raised concerns about "the worrying trends in press freedom, media pluralism and

the safety of journalists observed in several Member States".⁸

Media freedom and pluralism

The media landscape across the EU continues to be characterised by strong media ownership concentration, media actors that face economic and/or political pressure and media regulatory authorities and bodies whose independence is threatened.

- Strong media ownership concentration persists and poses a significant risk to media pluralism in **Croatia, Czech Republic, France, Hungary, Italy, Poland** and **Slovenia**. Having a small number of companies or individuals own a majority of the media threatens the diversity of media voices and creates a potential for biased reporting.
- Financing frameworks remain problematic, with many actors struggling financially. This is partly due to the business and revenue model but also the unfair and obscure allocation of state advertising and subsidies, particularly in **Hungary** and **Poland**, where pro-government outlets

4 Council of the European Union, [EU imposes sanctions on state-owned outlets RT/Russia Today and Sputnik's broadcasting in the EU](#), March 02, 2022

5 Reuters, [EU to ban three Russian state-owned broadcasters - von der Leyen](#), May 04, 2022

6 Murphy, H. and J. Espinoza, [Propaganda spread by Russian embassy accounts puts Big Tech in bid](#), March 22, 2022.

7 Galaski J, E. Simon and F. Otto, [Liberties Media Freedom Report 2022](#), March 28, 2022.

8 European Parliament [Resolution of 30 March 2023 on the 2022 Rule of Law Report - the rule of law situation in the European Union \(2022/2898\(RSP\)\)](#), March 30, 2023.

receive disproportionately large financial support.

- The public service media (PSM) remain under government control in **Hungary** and **Poland**, and now also face political pressure in **Sweden** from the new government, which plans to cut its budget. This is extremely problematic as it affects the PSM's mission to serve the public interest and provide impartial information, free from undue influence.
- The independence of media and telecommunications regulatory authorities varies greatly among member states. Here again the situation is particularly worrisome in **Hungary** and **Poland**, where media authorities are trying to shut down media outlets critical of the government.
- For the functioning of a healthy democracy, it is crucial that the public has access to and trusts reliable and credible sources of information. However, public trust levels towards the media remain particularly low in **Croatia**, **Slovakia** and **Slovenia**.

Safety and protection of journalists

In many countries, it has become increasingly difficult for journalists to do their job. Journalists face harassment and physical and verbal attacks, mostly online and during protests. The use of SLAPPs, in particular, is increasing. Safeguards to protect journalists and their sources from state surveillance are insufficient

and women continue to be paid less than their male colleagues and are more likely to be harassed and threatened, particularly online.

- There have been numerous reports of physical and verbal attacks against journalists in **Belgium**, **Croatia**, **the Czech Republic**, **France**, **Germany**, **Ireland** and **the Netherlands**. A large proportion of these attacks occur online or during protests. Shockingly, law enforcement officers, who are supposed to ensure the safety of journalists, are often the perpetrators, and investigations into such incidents often yield little results.
- Several member states, and in particular **Hungary**, **Italy**, **Poland** and **Spain**, lack sufficient safeguards to protect journalists and their sources from state surveillance. Such safeguards are however necessary to ensure that the privacy of media professionals is not violated and that they can carry out their work without fear of unwarranted eavesdropping.
- Abusive lawsuits – so-called strategic lawsuits against public participation (SLAPPs) – are becoming increasingly common, including in **Bulgaria**, **Croatia**, **Estonia**, **France**, **Germany**, **Hungary**, **Italy**, **the Netherlands**, **Poland**, **Slovenia**, **Spain** and **Sweden**. Politicians, companies, judges, and business people often sue investigative journalists and critical media outlets, posing a serious threat to media freedom.

- Gender inequalities persist in the media industry, with women being paid less than their male colleagues and being underrepresented in managerial positions. Women journalists also face a higher likelihood of harassment and threats, particularly online, including in **Belgium, Italy, Ireland, Romania** and **Spain**.

Freedom of expression and information

In several EU countries, freedom of expression is affected by inadequate measures taken to protect national security, combat hate speech and counter disinformation, while freedom of information is restricted or hindered due to imbalanced enforcement of data protection laws and slow processing of freedom of information requests.

- In **Romania** and **Slovakia**, there are growing concerns that national security is being used as a pretext to draft laws that restrict freedom of expression. These laws often pose a threat to media freedom and limit the ability of journalists and media outlets to report on critical issues.
- Efforts to address hate speech vary among member states: while they remain inadequate in **Estonia, Hungary** and **Poland**, authorities in **Germany** and **Ireland** have taken or are planning punitive measures for online platforms and authors of hate comments.
- Several EU member states, such as **Croatia, Estonia, France, Hungary, Ireland, Lithuania** and **Sweden**, have set in place new

initiatives to fight disinformation. However, the measures taken are not always appropriate as they do not strike the right balance between combating the spread of false information online and upholding citizens' right to freedom of expression.

- The report also finds that freedom of information is constrained in several EU countries, including **Belgium, Croatia, Estonia, Germany, Italy, Ireland, Lithuania, Poland** and **Spain**. This is primarily due to imbalanced enforcement of data protection laws and slow processing of freedom of information requests. These restrictions can hinder transparency and accountability. On the other hand, there are more forward-looking developments as regards freedom of information in the **Netherlands** and **Slovenia**.

These developments highlight the need for close monitoring and safeguarding of media freedom, pluralism, and the protection of journalists' rights, to ensure a free and independent media landscape that upholds democratic values and promotes transparency and accountability.

Efforts must be made to ensure that laws and measures designed to address national security, hate speech, disinformation, and data protection do not impede freedom of expression, information, and the operation of a free and independent media. Safeguarding these fundamental rights is essential for upholding democratic values and protecting the rights of journalists and media outlets in the EU.

Recommendations to the Institutions of the European Union

Support the strongest possible version of the European Media Freedom Act

The European Media Freedom Act (EMFA) proposed by the European Commission has the potential to strengthen and promote media freedom and pluralism across the EU. Yet it contains flaws that could undermine its intended goals. They include, for example, insufficient protection for journalists against illegal surveillance, insufficient protection against mis- and disinformation campaigns, insufficient tools to support media diversity and insufficient measures to strengthen national media regulatory institutions and EU institutions to enforce the EMFA. See our dedicated policy paper for more detailed recommendations.⁹

Ensure transparency in media ownership

Meaningful transparency on both the national and EU level should be ensured by requiring member states to develop online databases

containing information about the entire beneficial media ownership chain.¹⁰

Start infringement proceedings

The European Commission should open infringement proceedings against those members that fail to adhere to international standards of the rule of law, the freedom of the media and freedom of expression. Expand the process in countries where procedures are already on the way to include media freedom and pluralism. For this, also see our Rule of Law Report 2023.

Pass a robust anti-SLAPP Directive

We need a robust EU anti-SLAPP Directive.¹¹ Journalists and watchdogs must be protected against bogus lawsuits by influential politicians or businesses. The new EU anti-SLAPP initiative has the potential to reverse the troubling pattern of exploiting laws and courts to silence dissenting voices.

9 Galaski, J. and E. Simon, [Liberties' Take to Make Media Freedom Stronger in the EU: EMFA Policy Brief](#), January 19, 2023.

10 Simon, E., [The Need To Enshrine Media Ownership Databases In the EMFA](#), March 16, 2023.

11 Ravo, L. and J. Day, [EU Proposal to Tackle Abusive Lawsuits Against Journalists Could Be a Game Changer](#), May 03, 2022.

Closely monitor and report on media freedom-related violations

Closely monitor and report on the implementation of the EU Recommendation on the Safety of Journalists¹² and related EU legislation in consultation and cooperation with civil society and media representatives. The steps taken against the member states that have not yet transposed the Whistleblower Directive into their legal framework moves in the right direction,¹³ and it is important to evaluate the transposition of the Audiovisual Media Services Directive with a special focus on the requirement set out in the Directive concerning the independence of national media regulatory authorities.¹⁴

Strengthen independent journalism

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 particularly from financial difficulties.

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. The freezing of funds, or the threat thereof, has proven to lead to more reforms.

12 European Commission, [Recommendation on the protection, safety and empowerment of journalists](#), September 16, 2021.

13 European Commission, [The European Commission decides to refer 8 Member States to the Court of Justice of the European Union over the protection of whistleblowers](#), February 15, 2023.

14 Research for CULT Committee, [Implementation of the revised Audiovisual Media Services Directive](#), November, 2022.

Media Freedom in the European Union in 2022

What follows is a collection of data gathered by civil society organisations in 18 EU member states, namely:

- Belgium
- Bulgaria
- Croatia
- Czech Republic
- Estonia
- France
- Germany
- Hungary
- Ireland
- Italy
- Lithuania
- Netherlands
- Poland
- Romania
- Slovakia
- Slovenia
- Spain
- Sweden

The report is split into three sections:

1. media freedom and pluralism;
2. the safety and protection of journalists and other media professionals;
3. freedom of expression and information.

Media freedom and pluralism

Key findings

- Strong media ownership concentration persists in a number of EU member states, threatening media pluralism and the existence of independent media.
- Many media actors continue to struggle financially. This is partly due to the business and revenue model of media outlets but also to the unfair and obscure allocation of state advertising and state subsidies.
- In several member states, the public service media faces economic and political pressure, affecting editorial independence.
- The independence and efficiency of media regulatory authorities and bodies strongly varies among member states.
- In several member states, authorities are not sufficiently equipped to deal

with the challenges brought by the online ecosystem.

- Public trust levels towards the media remain low.

Media ownership concentration

A pluralistic media landscape is a prerequisite for a healthy democracy. Citizens should be able to access information and hear opinions from multiple actors and make up their own mind on social issues. For this, it is essential that media service providers remain free, independent and diverse. However, our research shows that strong media ownership concentration persists in several EU member states.

In **Poland**, the state-owned company PKN Orlen owns large parts of the media landscape and its dominance threatens pluralism and the existence of independent media. Its acquisition of Ruch, Poland's second largest press distributor, in 2020 has made things worse. In May 2022, Ruch started terminating press distribution contracts with several independent local media. The latter claim that the decision is politically motivated.¹⁵

In the Czech Republic, private media conglomerates are owned by politicians, particularly former Prime Minister and current MP Andrej Babiš, and a handful of Czech business people and oligarchs.

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In **France**, several billionaires, including Bernard Arnault, Martin Bouygues, the Dassault family, Xavier Niel, Patrick Drahi and Vincent Bolloré, own the majority of the media market.¹⁶ The French Senate created in November 2021 a new commission of inquiry to better understand the French media landscape and its strong concentration.¹⁷ By the end of March 2022, after months of work and dozens of hearings, the commission of inquiry submitted a 380-page report.¹⁸ It proposes among other things to establish an “independent director” within the Boards of Directors of media groups, who will be responsible for ensuring the independence of editorial staff and preventing conflicts of interests. In a separate file, the merger between the French TV groups TF1 and M6 was abandoned because the antitrust regulators were “too severe”.¹⁹

15 Press, [Ruch SA wypowiada umowy wydawcom lokalnym i żąda dodatkowej opłaty za dystrybucję](#), June 01, 2022.

16 Fabre, J. and N. Beyer, [Médias français: qui possède quoi?](#), December 20, 2022.

17 Public Media Alliance, [France: Inquiry into media concentration begins](#), December 03, 2021.

18 Barbarit, P. S. and F. Vignal, [Concentration des médias: divisés, les sénateurs s'accordent malgré tout sur les préconisations du rapport](#), March 31, 2022.

19 Reuters, [Proposed merger between TF1 and M6 group abandoned, companies say](#), September 17, 2022.

In **Hungary**, pro-government media outlets, operating under the Central European Press and Media Foundation (KESMA), continue to dominate the media landscape. Media outlets that are not affiliated with KESMA are unlikely to receive answers to their questions from government officials.²⁰

While in **Croatia** the media company CME media enterprises announced the acquisition of the television channel RTL Croatia,²¹ further increasing ownership concentration, and in **Ireland** the National Union of Journalists expressed concerns²² about the proposed acquisition of the Mayo News by Iconic Newspapers. In **the Netherlands**, the planned merger between the RTL Group and Talpa Network did not take place. The merger would have been another setback for Dutch plurality in the audio-visual media industry, as there would be only two major commercial broadcasters monopolising the field.

The media group Pro Plus continues to dominate the television, video-on-demand, and online media market in **Slovenia**.²³ There are also dominant media groups in print and radio. However, the situation seems to be getting better. The new government (in power

since June 2022) promised reforms to improve transparency and strengthen pluralism. In autumn 2022, it revised the criteria for direct subsidies to media, previously set by the former government, by prioritising quality and regional outlets, as well as fact-checking and new media voices.²⁴

Positive news regarding media pluralism in Italy is the decision to facilitate professional accreditation for freelance journalists, even in the absence of a registered media outlet and an editor-in-chief.²⁵

Transparency of media ownership

Media ownership transparency is key to help the public and regulatory authorities understand editorial policies and inform about possible political and economical interference and conflicts of interests. It is a precondition for effective media accountability. Currently, EU-level media ownership transparency is insufficient.²⁶

The project Euromedia Ownership Monitor (EurOMo), which monitors media ownership transparency in Europe, has found that the

20 Munk ,V. And F. Bakró-Nagy, [How Hungary's pro-government outlets are favoured at press briefings \(Telex\)](#), February 16, 2022.

21 Hina, [CME dovršio kupnju RTL-a Hrvatska](#), June 01, 2022.

22 National Union of Journalists, [NUJ expresses concern over proposed sale of Mayo News](#), October 24, 2022.

23 [PRO Plus](#), 2020.

24 Dnevnik, [Razpis za medije v letu 2023 s prenovljenimi merili](#), November 04, 2022.

25 Ricciardi, V., [Anche i social media manager potranno iscriversi all'ordine dei giornalisti](#), October 11, 2022.

26 Simon, E., [The Need To Enshrine Media Ownership Databases In The EMFA](#), March 16, 2023.

conditions for transparency in media ownership are particularly favourable in **Sweden** and **Germany**, followed by **Belgium** and **the Netherlands**. On the other hand, according to EurOMo, ownership transparency is particularly poor in the **Czech Republic** and **Hungary**.²⁷

The situation remains problematic in **France**, with challenges “regarding the transparency of complex media ownership structures” as highlighted in the European Commission 2022 Rule of Law Report.²⁸

On a more positive note, in **Slovakia**, a new media act came into effect in August 2022, establishing among others a public register, the Register of Public Sector Partners (RPSP), allowing the public to find out who is really behind specific media outlets. At the same time, editorial offices are obliged to publish a list of all investors and donors who provided contributions of more than EUR 2,000 during the year or else risk a fine of up to EUR 100,000.

Financing framework, including allocation of state advertising

Media outlets, in particular smaller ones, suffer from financial difficulties or risk being bought

by bigger companies. This directly threatens the diversity and freedom of the media sector. The financing framework plays an important role in ensuring that media outlets can cope with economic pressure. In several countries, however, the financing framework, including the fair and transparent allocation of state advertising and party financing, remains problematic.

For example in **Ireland**, greater clarity is needed on the decision-making process that informs which media outlets receive state advertising and based on which criteria. The use of commercial brokers to place advertisements on behalf of the state is a concern. One such broker is owned and controlled by a company which itself owns a significant number of regional newspaper titles, raising concerns of conflict of interest. A request to review the measures put in place by the Competition and Consumer Protection Commission was unsuccessful.²⁹

In **Italy**, the decision to progressively abolish direct state funding to not-for-profit print media and journalistic cooperatives has been delayed. However, journalists criticise that public resources, initially aimed at promoting media pluralism, are allocated to large or medium-sized media outlets.

27 Euromedia Ownership Monitor, *Risk Report 2022*, May 31, 2022.

28 European Commission, *2022 Rule of Law Report Country Chapter on the rule of law situation in France*, July 13, 2022.

29 Houses of the Oireachtas, *Future Business Model Plans and Long-Term Vision for the Media Sector: Discussion*, November 24, 2022.

In **Poland** and **Hungary**, there are no rules ensuring a fair allocation of state advertising. For years now, pro-government outlets have received disproportionately large financial support compared to media outlets which are not supportive to those in power, a trend that continued in 2022. For **Hungary**, two complaints were pending at the Commission.³⁰ In 2016, State Aid complaint No. 45463 was filed, showing that Public Service Broadcasters in practice function as a state broadcaster and receive most of the state's funding, therefore distorting the market to the disadvantage of independent outlets. State Aid complaint No. 53108 (filed in 2018) shows that the distribution of state-funded advertising in Hungary is misused to push pro-government media outlets and withhold support to independent media, therefore endangering its survival. Both complaints were rejected by the Commission in the summer of 2022, leaving Hungarian civil rights organisations pessimistic that the EU will be able to improve media relations.³¹

There is no transparency in the allocation of funding by political parties in **Romania**. Public funds are used to bribe media outlets, which become propaganda tools for political parties. Civil society actors have tried to shed light with freedom of information requests, but the parties declined to disclose information.

At the end of 2022, the Permanent Electoral Authority proposed to limit party spending on the media to a maximum of 30 percent of the budget allocations received. However, the draft law does not include mechanisms to make party spending on the media transparent.

Political misuse of state advertising, prevalent under the previous government,³² seems to be overcome in **Slovenia**. However, there is still no specific regulation of state advertising to require transparency and safeguards against political misuse. The new government coalition has introduced a parliamentary inquiry to look into alleged illegal financing of “party political propaganda in the media with funds of state-owned companies, state institutions or foreign institutions or entities”, with the inquiry targeting the media owned by or linked with the former ruling party.³³ Among pre-election commitments of the current government parties, there is a promise that the distribution of public funds to the media must be independent of political groups and bodies, transparent, non-discriminatory, and based on market indicators and public procurement rules.

30 International Press Institute, [European Commission must urgently address media market distortion in Hungary](#), February 26, 2021.

31 Klubrádió, [Polyák: Az Európai Bizottság elutasította a magyar médiarendszer torzításai miatti panaszokat](#), September 13, 2022.

32 The L Files, [Subvencionirano sovraštvo in strankarska propaganda](#), September 09, 2022.

33 The act on establishing the parliamentary inquiry was published in the [Official Gazette](#).

Public service media

The role of public service media (PSM) is to provide citizens with unbiased and accurate information, to promote diversity and pluralism and to facilitate public debate. It faces many challenges, including financial and political pressure, competition from commercial media and changing media consumption patterns.

In **Hungary**, the PSM remains under firm government control. For several years now, the PSM has not even tried to create the impression that they are not politically biased. This was particularly evident in 2022 in the way it conducted itself during the election campaign, with uneven air-time allocation for candidates and parties' programmes.³⁴ The 2022 election campaign was largely dominated by the Russian military aggression against Ukraine. The PSM repeatedly failed to meet the requirements of factuality and objectivity in their information programmes on the war in Ukraine. Furthermore, the Hungarian PSM is trying to destroy the credibility of organisations critical of the government and is openly sharing mis- and disinformation.

In **Poland**, there is severe political interference, as the PSM reports strongly in favour of the ruling Law and Justice Party (PiS). Leaked emails, published in January 2022, exposed how an advisor to the Prime Minister requested from the then-head of the public television main news programme that it attack the Warsaw Court of Appeal, which had issued a negative ruling against the Prime Minister.³⁵ In addition, PSM systematically demonises opposition leaders, including on EU-level politics, where, for instance, the European People's Party was portrayed as "European Putin's Party" in March 2022.³⁶

A worrying development has occurred in **Sweden**, where the far-right Sweden Democrats (SD) – who are highly critical of the Swedish PSM³⁷ – triumphed in the 2022 general elections and now have direct influence over the minority government.³⁸ The SD claim that the Swedish PSM is biased in its reporting³⁹ and that it hides the truth about immigration.⁴⁰ In a motion to Parliament, they have argued that the PSM have failed their mission of objective reporting and impartial content and suggested that the budget should be cut.⁴¹ The Moderate and the Christian Democrat parties, who are

34 Dániel, S., [Kidereült, hányszor ismételte meg 24 óra alatt Orbán Viktor beszédét az állami M1](#), March 17, 2022.

35 Tilles, D., [Polish PM's advisor asks state TV to attack court that issued negative ruling, according to email leak](#), January 04, 2022.

36 Tilles, D., [Complaint filed against Polish public TV over "EPP - European Putin's Party" report](#), March 28, 2022.

37 Stjenberg, M., [Matthias Karlsson vill skrota partiledardebatterna i SVT](#), May 03, 2021.

38 Henley, J., [Swedish parties agree coalition with backing of far-right](#), October 14, 2022.

39 Sveriges Radio, [Sveriges Radio svarar på att Sverigedemokraternas Jimmie Åkesson](#), August 29, 2018.

40 Bergman, M., [SD och kampen om medierna](#), July 01, 2022

41 Yurkovskiy, L., [Public-service frågor Motion 2022/23:991 av Leonid Yurkovskiy m.fl.](#), November 22, 2022.

part of the ruling coalition, have expressed similar positions.^{42 43}

In **Slovenia**, the 2022 parliamentary elections⁴⁴ were crucial for the existence and independence of the PSM, which suffered significantly during the previous government of Janez Janša. In November 2022, backed by more than 64 percent of Slovenian citizens in a referendum,⁴⁵ the new government adopted amendments to the law on the PSM RTV Slovenija. Aiming at depoliticising the broadcaster, the amendments put various independent institutions and organisations in charge of appointing the key governing bodies.⁴⁶ The new government also repealed the regulation on the public service of the Slovenian Press Agency (STA), which was adopted by the former government and allowed the Government Communication Office to take arbitrary decisions on public funding of the agency. The financing of the STA is now again provided with an annual funding agreement instead of funding on a per-item basis.⁴⁷

However, the new amendments to the law on the public service broadcaster RTV Slovenija

have not been implemented yet, as the former ruling party, SDS, are delaying the implementation.⁴⁸ Meanwhile, the independence of RTV Slovenija has been severely undermined by the politically affiliated appointees of the previous government, dominating the governing, management, and editorial structures of the public service broadcaster, and adopting numerous controversial measures on staffing and programming, particularly on the television station TV Slovenija. These measures include cutting quality, flagship news and current affairs programmes, and replacing them with shows hosted by biased and unqualified individuals with links to the previous government. The editor-in-chief of the TV Slovenija news programme was appointed despite the majority of the newsroom staff (82 percent) voting for another candidate. The Director General simply disregarded the legal procedure stipulated for this case.⁴⁹

The unions of journalists at RTV Slovenija have been staging strikes in various forms since May 2022, demanding journalistic autonomy and an end to political interference.⁵⁰ Dozens of journalists received warnings about the

42 Kjellmer, J., [Experten förklarar: Så kan en ny regering förändra public service](#), September 28, 2022.

43 Dagens Nyheter, [Kulturdébat: behöver stöd i dragkampen om public service](#), January 09, 2023.

44 Euronews, [Slovenia election: Janša defeated by opposition liberal Freedom Movement](#), April 25, 2022.

45 Tesija, V., [Slovenians Vote in Referendum to Restore Public Broadcaster's Independence](#), November 28, 2022.

46 Pravna mreža, [Predstavitev izhodišč za spremembe Zakona o Radioteleviziji Slovenija \(ZRTVS-1\)](#), Max 04, 2022.

47 Sta, [Government repeals contested regulation on STA public service obligation](#), December 22, 2022.

48 The Slovenia Times, [SDS files signatures for referendum on new RTV Slovenija act](#), July 21, 2022.

49 RTV SLO, [V nasprotju z mnenjem novinarjev za odgovorno urednico informativnega programa imenovana Rebernik](#), March 04, 2022.

50 European Federation of Journalists, [Slovenia: Journalists at public broadcaster RTV voted for strike action](#), May 20, 2022.

potential termination of their employment due to their public support in the studio for two colleagues, sanctioned by the management for disclosing interference in their professional autonomy.⁵¹ The dramatic situation stemming from the political capture of public broadcasters and daily clashes over preserving standards and autonomy has led to dozens of journalists of TV Slovenija quitting their jobs. It has also resulted in a significant drop in viewership and a loss of public trust.⁵²

In **Ireland** and **Slovakia**, the PSMs struggle with financial issues. In **Ireland**, the failure to provide adequate funding and to reform the licence collection system has had an impact on the main public service broadcaster RTÉ.⁵³ As of January 2023, the government has not provided information on long-term proposals for funding of public service broadcasting. In **Slovakia**, the National Council decided to cancel the concession fees to the PSM, creating a significant threat to the PSM. However, the cancellation was vetoed by the president towards the end of 2022. In order to break the presidential veto, it will now be necessary to have second and third readings of the bill and have it approved by a supermajority of members of Parliament.

Independent media and telecommunications authorities and bodies

Media and telecommunications authorities and bodies play an important role in securing a healthy environment for media freedom. They grant broadcasting licences, enforce rules on ownership transparency and on public service media, elaborate co-regulatory codes of practices and foster discussions with self-regulatory bodies of journalists. Therefore, it is essential that these authorities act independently of governments, political parties, and the industry.

Unfortunately, this is not always the case. The situation with regard to media regulatory authorities is particularly worrisome in **Hungary** and **Poland**. In **Hungary**, the Media Council is dominated exclusively by members nominated and elected by the ruling Fidesz party. The Media Council has a long history of making decisions favourable to people close to the government while refusing to renew licences for media critical of the government.

In **Poland**, the National Broadcasting Council (KRRiT) initiated proceedings to “punish” the media company TVN S.A. with a significant fine for broadcasting a documentary.⁵⁴ The

51 European Federation of Journalists, [Slovenia: New assault on trade union rights at RTV as 38 striking journalists received pre-layoff notices](#), October 13, 2022.

52 International Press Institute, [Slovenia: Media freedom groups back legislative efforts to depoliticise public media](#), November 24, 2022.

53 Moore, J., [TV licence fee in place for RTÉ ‘utterly broken’, Dee Forbes tells committee](#), April 14, 2023.

54 Krajowa Rada Radiofonii i Telewizji, [Postępowanie w sprawie ukarania nadawcy TVN S.A.: w trybie określonym w art. 53 ust. 1 u.r.t.](#), December 30, 2022.

investigation may even lead to the withdrawal of TVN S.A.'s licence.⁵⁵ Media authorities also approved the request of the government to change rules in a way that the government-controlled media also reaches households with old TV sets, further raising concerns about the authorities' impartiality.

In **Slovenia**, the director of the main media and telecommunication authority, the Agency for Communication Networks and Services (AKOS), is directly appointed by the government, causing a major threat to the agency's independence. Furthermore, AKOS is lacking resources, which has made it difficult to properly regulate the Slovenian media market.

The media authority Dutch Foundation for Public Broadcasting in **the Netherlands** sanctioned one of its broadcasters, Ongehoord Nederland (ON), with multiple fines for not acting in accordance with public values and not meeting high standards of journalistic quality. ON is a broadcaster branding itself as a proponent of "the unheard voices", often propagating extreme-right political viewpoints. In December 2022, the Dutch Foundation for Public Broadcasting sanctioned ON with another fine of EUR 56,000.⁵⁶

Public trust in the media

As last year's Media Freedom Report showed, public trust in the media appears to be declining, partly due to anti-press sentiments triggered by reporting on the pandemic and government smear campaigns.⁵⁷ According to a Eurobarometer survey from 2022, only 49 percent of EU citizens trust public service TV and radio stations, 39 percent trust the written press and 27 percent trust private TV and radio stations.⁵⁸

In **Slovenia**, the regular public opinion research on trust in institutions and professions conducted in March 2022 revealed a sharp decline of trust in the public service broadcaster RTV Slovenija compared to the previous year (falling by 24 points). The trust in media in general also declined by 10 points, and trust in media professions declined by 5–6 points.⁵⁹ However, it must be noted that this research was done before the change of government.

The media in **Croatia** do not enjoy high levels of trust. A research carried out by the NGO Centre for Peace Studies found that media scored lower in levels of trust than scientific institutions, the military, town and municipal

55 [European Centre for Press and Media Freedom: Poland: Media regulator KRRiT opens probe into TVN documentary about Smoleńsk air disaster](#), December 30, 2022.

56 [NL Times, Far-right broadcaster slapped with second fine in a year, putting licence at risk](#), December 29, 2022.

57 Galaski, J., E. Simon and F. Otto, [Media Freedom Report 2022](#),

58 [European Parliament, European citizens trust traditional media most, new Eurobarometer survey finds](#), July 12, 2022.

59 [RTV SLO, Ogledalo Slovenij: Ljudje najbolj zaupajo gasilcem, opazen padec zaupanja v medije](#), April 21, 2022.

mayors, education system, the healthcare system, police, church, CSOs and the social welfare system, while the level of trust in media is higher than the level of trust in unions, the State Attorney's Office, courts, the government, Parliament, and political parties.⁶⁰

Trust in the media is also a reason for concern in **Slovakia**. According to the 2022 Globsec Trends,⁶¹ only 37 percent of respondents trust the standard opinion-shaping media in Slovakia. On the other hand, 61 percent responded that they distrust the standard media.

In **Hungary**, trust in various media platforms and outlets is highly dependent on the audience's political views. According to the Reuters Institute's Digital News Report 2022,⁶² the overall trust in news is extremely low, at 27 percent. At the same time, 47 percent have trust in media they regularly use. Two independent outlets, HVG and RTL Klub, are the most trusted brands, whereas the state-funded broadcaster MTV is one of the least trusted brands, with less than a third of respondents trusting their news.

A study was published on the topic of media credibility in **Estonia** in relation to the coverage of the Ukrainian war. The study showed that nearly 90 percent of Estonians have a high

level of trust in the way the Estonian media is covering the war in Ukraine.⁶³

In **Lithuania**, around 56 percent of the population considers the PSM a reliable provider of information. Around 28 percent of Lithuanians trust print media.⁶⁴

60 Moišić, N. and S. Lalić, *Novi Početak*, June 2022.

61 Hajdu, D. et al., *GLOBSEC Trends 2022: CEE amid the war in Ukraine*, May 31, 2022.

62 Bognar, E., *Hungary*, June 15, 2022.

63 Makarova, M., *UURING: Venemaa telekanalid kaotavad siinsete vaatajate usaldusväärust*, December 17, 2022.

64 Eurobarometer, *Media & News Survey 2022*, July 2022.

Safety and protection of journalists

Key findings

- In many EU member states, journalists continue to be attacked, often during protests. Consequently, some media now hire security officers to accompany journalists.
- Journalists are regularly assaulted by law enforcement officers – those who are actually supposed to ensure their safety – and investigations are unsuccessful.
- In several countries, there are still insufficient safeguards in place to protect journalists and their sources from state surveillance.
- Increasingly common and widespread across the EU is the use of abusive lawsuits (SLAPPs) by politicians, judges and business people against investigative journalists and critical media outlets.
- In a few cases, governments have taken action to support the reporting

of threats and attacks against journalists or to tighten laws with the aim of protecting media professionals.

- Gender inequalities persist, as women continue to be paid less than their male colleagues and are underrepresented in managerial positions. Women are also more likely to be harassed and threatened, particularly online.

Attacks against journalists, including online harassment

The safety of journalists is a fundamental requirement for upholding the right to freedom of expression, as enshrined in Article 19 of the Universal Declaration of Human Rights. Journalists play a critical role in informing the public and holding those in power accountable for their actions. Attacks on journalists have a chilling effect, curtailing their ability to expose crimes and report on matters of public interest. The NGO Media Freedom Rapid Response (MFRR) reported 415 alerts in EU member states in 2022 of violence against media professionals, including verbal and physical attacks and attacks to property.⁶⁵

Oftentimes, journalists and other media professionals are attacked and harassed by protestors. The Association of Professional

65 Media Freedom Rapid Response, [Mapping Media Freedom: Monitoring Report 2022](#), February 07, 2023.

Journalists⁶⁶ and CIVICUS⁶⁷ report how in 2022, journalists in **Belgium** regularly faced threats and physical violence in the field when covering demonstrations. Some media have hired private security agents to accompany their journalists.

In **Croatia**, there were multiple instances of attacks against journalists in 2022. Some of those included insults targeted at journalist Marcello Rosanda from the daily paper Glas Istre (the Voice of Istria) on his Facebook page,⁶⁸ a death threat in a bar against the journalist Mate Pejaković, the editor of the news site pozeski.hr,⁶⁹ a physical attack on the President of the Union of Croatian Journalists and the European Federation of Journalists, Maja Sever,⁷⁰ and verbal and physical attacks on journalists who reported covering a protest against the government of Andrej Plenković

and the political party in power, the Croatian Democratic Union.⁷¹

Violence against journalists during demonstrations was also observed elsewhere. In the **Czech Republic**, there were several incidents of verbal and physical attacks at anti-government demonstrations in the past year,⁷² including a racist attack against Richard Samek, an editor for Czech Television and a collaborator with ROMEA TV,⁷³ and in **Ireland**, right-wing protestors targeted journalists.⁷⁴ The NGO Reporters Without Borders writes that also in **France**⁷⁵ and **Germany**⁷⁶ attacks against journalists often happen during demonstrations.

In October 2022, a political journalist from the media outlet SBS6 in **the Netherlands** was ambushed by Member of Parliament

66 Association des journalistes professionnels, [Communiqué - L'agression d'une équipe de BX1 ne peut rester sans suite](#), January 24, 2022.

67 Civicus, [Belgium](#), 2023.

68 Hrvatsko novinarsko društvo, [Najoštrije osuđujemo prijetnje i uvrede upućene kolegi Marcellu Rosandi](#), September 09, 2022.

69 Hrvatsko novinarsko društvo, [Novi napadi na novinare - Priveden muškarac koji je prijeto novinaru i uredniku portala požeški.hr](#), June 23, 2022.

70 Hrvatsko novinarsko društvo, [Besramno napadnuta predsjednica Europske federacije novinara Maja Sever](#), August 01, 2022.

71 Hrvatsko novinarsko društvo, [HND: Napad Na Novinara Napad Je Na Osobu u Javnoj Službi, i Zato Čemo Sve Prijaviti Policiji](#), September 10, 2022.

72 Novinky.cz, [Támhle ten penchant cikánskej, napadi demonstrant reportéra České televize](#), November 18, 2022.

73 Ryšavý, Z., [Policie začala šetřit rasistický útok na novináře Richarda Samka. ROMEA.cz zná identitu agresora](#), November 19, 2022.

74 Byrne, N., [Gardai monitoring RTE campus as right-wing protesters harass workers](#), October 16, 2022.

75 Reporters without Borders, [France](#), 2023.

76 Reporter ohne Grenzen, [Nahaufnahme Deutschland: Pressefreiheit im Überblick](#), May 2022.

Gideon van Meijeren, who walked up to her office unannounced, questioning her about a publication. Van Meijeren secretly recorded the ambush and posted the video on YouTube. The Association of Journalists called the action alarming and a threat to the work of journalists, as van Meijeren clearly tried to intimidate the journalist.⁷⁷

On a positive note, Reporters Without Borders writes that in Spain the level of violence against journalists has fallen considerably thanks in part to a deescalation in the conflict over Catalan independence; however, the number of journalists harassed on social media grows.⁷⁸ Physical and verbal attacks against journalists also diminished in **Slovenia**.⁷⁹

Law enforcement capacity to investigate attacks on journalists

While its job is to protect journalists, the police are often not properly equipped and do not have the required capacity to enforce the law. In some cases, corruption within the police can make life a living hell for investigative journalists.

This has been the case of the **Romanian** investigative journalist Emilia Șercan. In early 2022, Șercan published an investigation that claimed Romania's Prime Minister had plagiarised his doctoral thesis.⁸⁰ Soon after, Șercan received a threat from a stranger containing personal photos of her. Șercan filed a criminal complaint with the police in Bucharest and found that hours later the screenshots she had sent to the police had been published (she later accused the police of leaking the files).⁸¹

Șercan reported the information leak to the Minister of Interior, who promised an internal investigation. The police chief informed Șercan that her phone had most likely been hacked. However, experts examined the journalist's phone and concluded that it was not compromised.

Throughout 2022, Șercan filed several criminal complaints, including against the police and the Minister of Interior, for abuse of office and failure to report. The journalist's case is currently the subject of seven criminal cases at various stages in several institutions. The harassment of the journalist has been the topic of various media and civic initiatives⁸² urging the

77 NOS, [FvD intimideert journalist met video, Rutte spreekt van nieuw dieptepunt](#), October 23, 2022.

78 Reporters without Borders, [Spain](#), 2023.

79 Društvo novinarjev Slovenije, [Privaji Napad](#), without date.

80 Șercan, E., [Premierul Nicolae Ciucă A Plagiat În Teza De Doctorat. Printre Sursele Copiate Se Numără Alte Două Teze De Doctorat](#), January 18, 2022.

81 Șercan, E., [Emilia Șercan: "State authorities have orchestrated a kompromat operation against me. Now they're trying to cover it up."](#), April 04, 2022.

82 International Press Institute, [Romania: Independent investigation needed into harassment campaign against journalist Emilia Șercan](#), April 14, 2022.

authorities to conduct a prompt investigation and prosecute the perpetrators. A year later, little has changed.

Meanwhile, on a more positive note, in Slovenia there is an increase in the cooperation between the police and the Slovenian Association of Journalists (SAJ) to ensure the safety of journalists, particularly during public protests. In April 2022, a meeting was held between SAJ and high representatives of the police aimed at establishing a regular communication channel for mutual learning and information to increase the safety of journalists.

Violence from law enforcement officers

Often, the violence also emanates from those who are supposed to provide safety and protection to journalists. There are reports of attacks on journalists by the police, law enforcement and/or soldiers in 2022 in Belgium, Italy, Poland and Spain. Unfortunately, the perpetrators are often not held accountable for their actions because of a lack of proper investigation.

In **Poland**, in April 2022, the prosecutor's office closed an investigation into police violence against journalists covering demonstrations on 11 November 2020 because of the failure to identify perpetrators. Video footage

of the event showed police using truncheons to beat media workers despite them either wearing PRESS signs or being clearly identifiable as media workers. According to the prosecutor's office, police officers on site were either wearing a mask or a helmet and this made it impossible to identify them. Police officers who were questioned (those who participated in the events and their supervisors) were also unable to identify anyone. The prosecutor's office has also refused to open an investigation into soldiers' harassment of photojournalists Maciej Moskwa and Maciej Nabrdalik, who were aggressively stopped, handcuffed and searched near the Polish-Belarusian border. The photojournalists filed an appeal against the decision of the prosecutor's office; the case is pending.

In **Belgium**, police violence is a recurrent issue. In 2022, the European Court of Human Rights condemned the Belgian state in a case of police violence for violating the right to a fair trial.⁸³

State surveillance

Several cases of state surveillance against journalists by government authorities have raised concerns about journalists' right to privacy and freedom of expression. Reports show that journalists and their sources are not sufficiently

83 Ligue des Droits Humains, *L'État belge à nouveau condamné dans un dossier de violences policières pour violation du droit au procès équitable*, June 28, 2022.

protected from surveillance methods in **Hungary, Italy, Poland** and **Spain**.⁸⁴

In **Poland**, for example, authorities receive a prior judicial authorisation to place journalists under surveillance in 98-99 percent of cases and there is no independent oversight. There are also insufficient safeguards to protect the sources of journalists. The Polish government submitted in December 2022 a draft bill⁸⁵ that extends current rules on general and indiscriminate retention of traffic and location data to a new group of service providers and broadens the category of data that must be retained. Such regulation would further increase the risks for journalists and their sources.

In **Hungary**, the Pegasus cases remain inconclusive, with several court proceedings pending. In early 2022, the data protection authority finally issued its report on the case, which concluded that all surveillance measures of the secret services were perfectly legal.⁸⁶ The authority only examined whether the legal basis for the surveillance was in place, even though the violation lies in the fact that the regulation of the surveillance is the responsibility of the Minister of Justice, who is not an independent external decision-maker.⁸⁷

The authority's misunderstanding of its role is most clearly manifested in the fact that it initiated criminal proceedings against those who exposed the Pegasus scandal. All this is further evidence that Hungary's data protection authority is not performing its basic functions and is unable to protect journalists and their sources from illegal surveillance.

Abusive lawsuits

Politicians, big corporations, judges or other powerful actors have in recent years increasingly misused and weaponised laws and courts to silence critical voices.⁸⁸ This legal harassment, also called strategic lawsuits against public participation (SLAPPs), remains an issue in many EU member states, including **Bulgaria, Croatia, Estonia, France, Germany, Hungary, Italy, the Netherlands, Poland, Slovenia, Spain** and **Sweden**. Legal safeguards against SLAPPs are almost completely lacking.

Lawsuits against journalists are continuously growing in number in **Croatia**. According to a survey conducted by the Croatian Journalists' Association, in 2022 there were at least 951

84 [Civil Liberties Union for Europe: Liberties Rule of Law Report 2023](#), February 21, 2023.

85 Sejm, [Rządowy projekt ustawy- Prawo komunikacji elektronicznej](#), druk Nr 2861, April 11, 2023.

86 Nemzeti Adatvédelmi és Információszabadság Hatóság, [Jelentés a Nemzeti Adatvédelmi és Információszabadság Hatóság hivatalból indított vizsgálatának megállapításai a „Pegasus” kémsoftver Magyarországon történő alkalmazásával összefüggésben](#), January 31, 2022.

87 Dániel, S., [Magyarországon a jogsértő megfigyelés is törvényes](#), July 19, 2021.

88 Ravo, L. and J. Day, [EU Proposal to Tackle Abusive Lawsuits Against Journalists Could be a Game Changer](#), May 03, 2022.

active lawsuits against media outlets and individual journalists, with plaintiffs seeking more than EUR 10 million in damages.⁸⁹ Hanza Media, Croatia's leading media company, alone faced 443 lawsuits. The expert working group recently established by the Culture and Media Ministry to tackle SLAPPs still hasn't succeeded in changing the status quo.⁹⁰ An official definition of a SLAPP hasn't been decided on, and courts do not identify and classify SLAPP lawsuits as such.

SLAPPs in Croatia often stem from judges and politicians. The lawsuit that garnered international attention was the one filed by judge Zvonko Vrban against the news site Telegram, its journalist Drago Hedl and editor-in-chief, Jelena Pavić Valentić. Hedl wrote a series of articles about the judge's property, and was consequently sued for EUR 100,000. Reporters Without Borders (RSF) called on the Zagreb Court to dismiss all charges.⁹¹ Other mentionable SLAPPs include the one filed by judge Ivan Turudić against journalist Dražen Ciglencečki, who had criticised the judge in an opinion piece,⁹² and the lawsuit

brought against Hanza Media by the judge Ivan Marković to pay over EUR 30,000 as compensation for emotional distress, after the media outlet had questioned one of his verdicts.⁹³

That a judge sues a journalist in order to silence them also happens in other EU countries. In **Bulgaria**, judge Svetlin Mihaylov sued journalist Boris Mitovafter after the latter wrote an article detailing the financial situation of the judge, alleging that he is a millionaire, and citing a number of cases in which his name has been involved in scandals.⁹⁴

In **Germany**, independent journalists and small outlets have been most affected by SLAPPs. Among prominent cases are the proceedings by a real estate company against the student-run newspaper luhze. The real estate company United Capital had sued luhze for injunctive relief because the newspaper had printed quotes from tenants who criticised United Capital. Because of the very high value in dispute (EUR 50,000) claimed by United Capital, the out-of-court dispute had already

89 Hrvatsko novinarsko društvo, [Istraživanje Hnd-A: Broj Tužbi Protiv Novinara I Medija U Porastu, Aktivno Njih Najmanje 951](#), March 30, 2022.

90 Republika Hrvatska Ministarstvo kulture i medija, [Stručna radna skupina za oblikovanje politike suzbijanja SLAPP tužbi](#), without date.

91 Hrvatsko novinarsko društvo, [Reporteri Bez Granica Istaknuli Problem Slapp Tužbi U Hrvatskoj Te Pozvali Sud Da Odbaci Tužbe Suca Vrbana Protiv Telegrama](#), May 25, 2022.

92 Hrvatsko novinarsko društvo, [Još Jedna Skandalozna Presuda Protiv Novinara - Draženu Ciglencečkom Presuđeno Zbog Iznošenja Mišljenja, Što Je Krajnje Neprihvatljivo](#), January 31, 2022.

93 Hrvatsko novinarsko društvo, [Hnd: Presuda Protiv Hanza Medije Opasna Je Za Novinarstvo!](#), February 19, 2022.

94 Mediapool, [Предупреждение: Ако журналист нарече съдия Светлин Михайлов "скандален", това струва 60 000 лв.](#) January 07, 2022.

threatened luhze's existence. After massive public protests, United Capital withdrew the claim in January 2022.⁹⁵ Other examples of SLAPPs by private companies in 2022 include proceedings against tenant initiatives by real estate investor Ioannis Moraitis. Several initiatives have been sued for injunctive relief by Moraitis because they criticised his company's dealings with tenants.⁹⁶

In **Estonia**, two journalists and a newspaper publisher were fined over a news story disclosing information that the former board of Swedbank had been involved in a money laundering scandal.⁹⁷ The Prosecutor's Office claimed that the journalists should have asked them for permission prior to publishing the story. The state prosecutor justified the imposition of a fine by stating that writing about Swedbank's money laundering does not promote public debate.⁹⁸ The decision was criticised as a serious threat to the freedom of the

press by the Estonian Association of Journalists.⁹⁹ The circuit court later annulled the fine imposed on the journalists but supported the right of the Prosecutor's Office to restrict the media from disclosing information on pre-trial proceedings without permission.¹⁰⁰ The case has since gone to the Supreme Court.¹⁰¹

In **Italy**, there are an increasing number of SLAPPs instigated by politicians targeting media professionals. Cases of SLAPPs range from freelance journalists targeted by local politicians¹⁰² to editors-in-chief and renowned journalists and writers sued or threatened to be sued for defamation by high-level government officials. Examples of formalised lawsuits include Roberto Saviano vs Giorgia Meloni;¹⁰³ Roberto Saviano vs Matteo Salvini; Roberto Saviano vs Gennaro Sangiuliano; Stefano Feltri and Emiliano Fittipaldi vs Giorgia Meloni.¹⁰⁴ Examples of threatened lawsuits include the newspaper *Editoriale Domani* vs Guido

95 Süßmann, J., [Leipzig: Immobilieninvestor zieht Klage gegen Studentenzeitung zurück](#), January 21, 2022.

96 Potsdam - Stadt für Alle, [Abmahnungen, Unterlassungsverfügungen – die Instrumente von Immobilieninvestoren gegen eine kritische Öffentlichkeit?](#), June 09, 2022.

97 Nael, M., [Kohus trahvis kaht Eesti Ekspressi ajakirjanikku rahapesu artikli eest](#), May 04.2022.

98 Vedler, S., [Kohus trahvis Eesti Ekspressi, sest kirjutasime Swedbanki rahapesu uurimisest tõde](#), May 04.2022.

99 Virumaa Teataja, [Ajakirjanike liidu juhatuse taunis Eesti Ekspressi ajakirjanike trahvimist](#), May 05, 2022.

100 Kirsberg, K., [Ringkonnakohus tühistas ajakirjanikele määratud trahvi](#), June 14, 2022.

101 Lomp, L.-E., [Riigikohus hakkab menetlema Eesti Ekspressi ajakirjanike trahvimise vaidlust](#), September 12, 2022.

102 Mapping Media Freedom, [Local administration sues journalist Sara Manisera for defamation](#), September 01, 2022.

103 Resource Centre on Media Freedom in Europe, [Italy: a call in support of Roberto Saviano, defendant in a defamation trial](#), November 16, 2022.

104 Resource Centre on Media Freedom in Europe, [Italy: Newspaper Domani sued for defamation by Prime Minister Giorgia Meloni](#), November 25, 2022.

Crosetto¹⁰⁵ and *Il Mattino* and *Il Messaggero* vs Roberto Calderoli.¹⁰⁶ Large companies and businessmen have also used SLAPPs to silence media professionals and human rights defenders (Irpi Media & The Good Lobby Italia vs private company¹⁰⁷ or Gad Lerner vs Ilva¹⁰⁸). The recent case of a prosecutor's demand for a six-month prison sentence for three journalists in response to their factual reporting in a case involving a former minister has further raised concerns about SLAPPs by high-ranking officials in Italy.¹⁰⁹

There are also several cases of SLAPPs in **Spain**: Iberdrola, a big Spanish hydroelectric company, initiated a lawsuit against the Spanish digital newspaper *El Confidencial* for “offences against its honour”.¹¹⁰ Ignacio Cembrero, a journalist specialising in the Maghreb region and working for *El Confidencial*, was sued by the Moroccan government for publishing his suspicion that his telephone had been subject to Pegasus spyware while in Morocco.¹¹¹

In **Sweden**, the business news website Realtid was sued in 2020 by Swedish businessman Svante Kumlin for defamation in British courts. Realtid investigated the financial aspects connected to Kumlin's company, Eco Energy World. During its investigation, Realtid had received threats about legal consequences from Eco Energy World's lawyers. In May 2022, a London court found that five of the eight articles did not harm the company's image. It considered that the remaining three could be prosecuted but has not yet ruled on them. However, even if there will be no verdict against Realtid's journalists, the process will have a chilling effect on Swedish journalistic work in the future, especially for journalists who investigate corruption or other crimes.

New measures to improve the protection of journalists

While governments in **Spain** and **Slovakia** have not taken new measures to improve the

105 Federazione Nazionale Stampa Italiana, [Conflitto di interessi, il ministro Crosetto minaccia querele](#). *Il Domani*: «Non ci faremo intimidire», October 27, 2022.

106 Articolo 21, [I Ministri e quel vizietto delle querele bavaglio. Ora tocca a Il Mattino e Il Messaggero](#), January 04, 2023.

107 Koskinen, R., [Italia Viva's leader Matteo Renzi threatens editor Marco Travaglio with defamation lawsuit](#), without date.

108 Giuletti, B., [Quella a Gad Lerner è una querela bavaglio. Non lasciamolo solo: Articolo 21 non lo farà](#), January 10, 2023.

109 Resource Centre on Media Freedom, [Italy: Concern about prosecutor's demand for prison sentence for three journalists in response to their factual reporting](#), October 28, 2022.

110 Asociación de la Prensa de Madrid, [La FAPE y la APIE defienden la libertad de información de 'El Confidencial'](#), February 09, 2022.

111 Parera, B., [Marruecos denuncia al periodista Ignacio Cembrero por vincularle con Pegasus](#), July 03, 2022.

protection of journalists, there have been positive developments in **France, Ireland** and **the Netherlands**. In France, a new bill was adopted that aims to protect journalists during demonstrations as a response to police violence.¹¹²

In **the Netherlands**, the government announced in June 2022 that it wants to take new measures to protect journalists. For example, it wants to continue financing PersVeilig ('PressSafety'), an organisation where journalists can report threats and receive proper safety training, until 2024.¹¹³ Additionally, Minister of Justice and Security Yesilgöz-Zegerius proposed a law to combat doxing. If passed, doxing could lead to a prison sentence of up to a year.¹¹⁴

Sweden is planning on tightening the criminal law to punish crimes against officials whose work is considered to fulfil certain social functions, and towards journalists.¹¹⁵ The inquiry was submitted for consultation responses in February 2022 and is now awaiting input from the Legislative Council before any draft legislation is submitted to the Parliament.

Gender-based violence

Gender-based discrimination and violence also concern journalists. Women journalists in **Belgium, Italy, Ireland, Romania** and **Spain** are particularly hit by online violence and must cope with challenges that their male colleagues do not have to face, such as pay gaps and an underrepresentation in managerial positions.

In **Italy**, women earn on average less money than men and are less represented in managerial positions. In addition, women journalists face sexual harassment and are regularly attacked and threatened online, in particular those who report on social and political issues.¹¹⁶

Similarly, in **Spain**, the Federation of Associations of Journalists of Spain (FAPE) claims that cyberbullying against journalists is mainly directed at women journalists.¹¹⁷

In **Ireland**, the popular national phone-in discussion radio programme LiveLine on the state broadcaster RTÉ Radio 1 held in June 2022 a

112 Assemblée Nationale, [Proposition de loi n°4840 visant à protéger l'exercice du métier de journaliste](#), December 21, 2021.

113 PersVeilig, [About PersVeilig](#), without date.

114 Nu.nl, [Minister stuurt wetsvoorstel voor strafbaar maken van doxing naar Tweede Kamer](#), July 08, 2022.

115 Sveriges Justitiedepartementet, [En skärpt syn på brott mot journalister och utövare av vissa samhällsnyttiga funktioner](#), February 02, 2022.

116 Attolini, G., Italy. [More And More Female Journalists Threatened: 105 In 2021, 27% Of The Total](#), March 07, 2022.

117 Federación de Asociaciones de Periodistas de España, [El ciberacoso a periodistas tiene sexo femenino](#), October 27, 2022. <https://www.irishexaminer.com/news/arid-40897364.html>

discussion over a number of days on the issues of gender identity and transgender people in Irish society. The programmes resulted in a large degree of public commentary, with over 1,000 complaints being made to RTÉ.¹¹⁸ The controversy around the programmes centred on the fact that degrading offensive tropes and language were used about transgender people, which went unchallenged by the host of the programme. As noted by the Trans Equality Together Coalition, it is suspected that calls to the programme originated from and were coordinated by anti-trans organisations.¹¹⁹

118 Baker, N., S. Murray and P. Hoare, Uplift says 1,000 people have complained to RTÉ over Liveline trans broadcasts, June 16, 2022.

119 Trans Equality Together, [Trans Equality Together responds to Liveline](#), June 17, 2022.

Freedom of expression and information

Key findings

- In many EU countries concerns around national security are being used to draft laws that restrict freedom of expression.
- Hate speech remains an issue in a number of states and efforts to combat hate speech are insufficient.
- Measures taken to counter disinformation are often inadequate and, in some cases, lead to the restriction of free speech.
- Numerous EU countries restrict the freedom of information, mostly due to imbalanced enforcement of data protection laws, but also through slow processing of freedom of information requests.

Freedom of expression and censorship

Already in last year's report, a trend emerged showing that several EU member states had laws disproportionately limiting free speech.

Often, defamation laws were used to make journalistic work more difficult.

In many EU member states, restrictions of freedom of expression and information continue to be an issue. Civil rights organisations in **Bulgaria, Estonia, Hungary, Ireland, Poland, Romania, Slovakia, Slovenia** and **Spain** report an increase of censorship and content restrictions.¹²⁰ Public order and security are being used as arguments to propose new laws which would allow for even further restrictions on free speech.

In **Poland**, a party of the ruling coalition submitted a draft law that would tighten the existing blasphemy law, criminalising, among other things, insults to the church. Even in its current form, the blasphemy law has been used to open proceedings against journalists, for instance with regard to a cartoon showing the Virgin Mary wearing a face mask with a lightning bolt on it – a symbol of women's resistance against limitations on reproductive rights in Poland – published in "Wysokie Obcasy". The wording of the new proposed law would significantly increase the risk of more criminal investigations being opened against journalists, as it would allow prosecution of a wider range of cases. Offences under the law would be punishable with up to two years of jail time, even rising to three years if the crime was carried out through the use of the media.¹²¹

120 Civil Liberties Union for Europe, *Liberties Rule of Law Report 2023*, February 21, 2023.

121 Tilles, D., *Polish coalition party proposes three-year jail terms for insulting church or interrupting mass*, April 14, 2022.

A new cybersecurity law in **Romania** has raised concerns of potential arbitrariness and abuse. The law states that the task of the Romanian Intelligence Service (SRI) is to ensure national security by countering propaganda or disinformation campaigns, without defining what constitutes such a campaign.¹²² On 27 December 2022, the Romanian Ombudsman challenged the law before the Constitutional Court, arguing that it lacks clarity and expands the power of the SRI without establishing clear limits. It also fails to specify the targets of the regulation, only saying that it applies to natural or legal persons that provide public services or are of public interest. However, there is no clear identification of these people, making it difficult to distinguish whom the law addresses.¹²³ Despite this protest, the Constitutional Court decided that the law is in agreement with the Constitution.

Following the outbreak of the war in Ukraine, the government in **Slovakia** amended its cybersecurity law to allow its national security services to block websites for national security reasons. The rules under which the National Security Bureau (NBÚ) could block websites were not clear. While the rules have been clarified through a decree, four well-known websites had been blocked by the end of

September. An amendment to the law published in March imposed an obligation to the Bureau to publish the rules, but by June 2022 it still had not complied. In November 2022, the government approved new rules, according to which the NBÚ was only able to block content that could threaten the security, foreign policy or economic interests of Slovakia and which constitutes a hybrid threat.

Sweden adopted a new law which aims to target foreign espionage, but which may have a chilling effect on the work of investigative journalists. The law is designed to prevent spies from giving information on Swedish international cooperations to foreign powers. However, journalists and their sources are equally affected by this.¹²⁴ The legislation criminalises acts of unauthorised forwarding, leaving, or disclosing secret information that could bring serious harm to Sweden's relationship with another state or an intra-state organisation, such as NATO or the UN. While the law makes an exemption for cases in which the sharing of information is "justifiable", sources still run a greater risk of becoming victims of retaliation.¹²⁵

122 Dumitrescu, R., [Romania's Ombudsman asks Constitutional Court to rule on new cyber security law](#), December 28, 2022.

123 Marin, I. and D. Ionaşcu, [Avocatul Poporului contestă la CCR legea privind securitatea cibernetică: Extinde neclar puterile SRI](#), December 27, 2022.

124 European Federation of Journalists, [Tove Carlén: "The Swedish new law on public espionage provides little protection for journalists' sources"](#), December 02, 2022.

125 Journalist Förbundet, [Utlandsspioneri – det här gäller från årsskiftet](#), January 02, 2023.

Hate speech

Last year's report showed a lack of adequate legal frameworks to counter hate speech across the EU. In 2022, hate speech remained a big issue in many European countries and efforts to address it were insufficient in a number of states. In **Estonia**, for example, no genuine steps were taken to tackle hate speech. The country only organised a roundtable and banned hate symbols following the Russian invasion in the Ukraine.

In **Germany**, the Federal Office of Justice (BfJ), which is responsible for enforcing the national Network Enforcement Act (NetzDG), issued a fine of over five million euros to the messaging service Telegram, for failing to establish a way to report illegal content, such as hate speech, and for not providing an entity located in Germany that can receive official communication.¹²⁶

During a speech in Romania, **Hungarian** Prime Minister Victor Orban talked about "mixed-race" populations, the "flooding" of Europe with non-European migrants and referred to the racist idea of population exchange, where white Europeans allegedly are demographically and culturally replaced with non-white people. His remarks led to widespread criticism at home and abroad. A close friend of Orban resigned from her position as

special representative on social inclusion and modernisation, calling the speech a pure Nazi text. It marked the first time that a political collaborator stepped down in protest over remarks from Orban.¹²⁷

In **Ireland**, the Criminal Justice (Incitement to Violence and Hatred and Hate Offences) Bill 2022, published in October 2022, seeks to criminalise hate crimes. The bill creates aggravated forms of criminal offences, such as assault, if they are motivated by hate. This will then lead to an enhanced penalty. After the first draft was published, concerns arose that the proposed definition of hatred was overly broad and risked violating freedom of expression. The final version of the bill includes a provision to "protect genuine freedom of expression".¹²⁸

Hate speech against members of the LGBTI+ community continues to rise in many European countries. In **Poland**, the head of a conservative organisation who was known to drive around the country in vans showing anti-LGBTI+ images was convicted of hate speech against homosexuals. Among others, the imagery linked the LGBTI+ community with the sexual abuse of children. A deputy justice minister of the Polish government criticised the "scandalous" ruling as "repression of opponents of LGBT ideology".¹²⁹ Polish hate

126 Legal Tribune Online, [5,1 Millionen Euro Bußgeld gegen Telegram](#), October 17, 2022.

127 Verseck, K., [Orban's 'pure Nazi' speech shakes up politics](#), July 27, 2022.

128 Irish Department of Justice, [New Bill to tackle hate crime and hate speech includes clear provision to protect freedom of expression](#), October 27, 2022.

129 Tilles, D., [Head of Polish conservative group convicted of defamation for anti-LGBT rhetoric](#), March 23, 2023.

crime laws do not explicitly offer protection based on sexual orientation or gender identity.

During the spring of 2022, the Danish far-right politician Rasmus Paludan toured **Sweden** to burn the Qur'an, labelling it a protest. Qur'ans were burned in front of mosques during Ramadan and in areas where large portions of the population are Muslim. This led to counter-protests turning violent and the police losing control of the situation.¹³⁰ Currently, there is a lack of legal precedent over whether the burning of a Qur'an constitutes hate speech. While there is legislation against hate speech, it does not provide sufficient protection. The organisation Civil Rights Defenders accused the police, Swedish prosecution authorities as well as courts of applying the laws too narrowly and reported Paludan to the police for hate speech.¹³¹

In **Slovenia**, the Government Office for Digital Transformation (since January 2023, the Ministry of Digital Transformation) is preparing itself for the implementation of the Digital Services Act (DSA). It has announced that countering hate speech online will be among its priorities.¹³²

Fighting disinformation

Last year's report on media freedom already showed that many countries lack adequate responses to disinformation, with laws often not worded clearly enough, leading to journalists self-censoring.

This has not greatly changed. Several EU member states, such as **Croatia, Estonia, France, Hungary, Ireland, Lithuania** and **Sweden**, have set in place new initiatives to fight disinformation. However, the measures taken are not always appropriate.

In January 2021, the **Irish** government published a general scheme of the Electoral Reform Bill (2020). A key component of this legislation is the establishment of an Electoral Commission. The Commission would receive the power to investigate online claims that amount to disinformation in electoral times. Additionally, it would be able to order social media platforms to take down posts, correct them or to label them as potential misinformation.¹³³ Due to the wording of these sections, the power of the Electoral Commission to limit the freedom of expression of individuals is based on the Commission's own interpretation of what is misleading, of what is a nature which "may" cause public harm and of

130 Apelblat, M., [Sweden: Easter holiday rocked by violent riots after Danish politician burns Koran](#), April 18, 2022.

131 Civil Rights Defenders, [Civil Rights Defenders report far-right extremist Rasmus Paludan to police](#), June 29, 2022.

132 Siol.net, [Stojmenova Duh: Med prioritetami interoperabilnost in izvajanje akta o digitalnih storitvah](#), December 07, 2022.

133 McGreevy, R., [Electoral Commission to have powers to confront social media outlets](#), June 11, 2022.

what is deceitful in nature. Irish civil rights organisations fear that granting the Electoral Commission such wide-ranging powers creates the potential for a chilling effect on the free expression of opinion. The European Commission found that three sections of the bill relating to political advertisement are not compatible with the EU's e-Commerce Directive.¹³⁴ To avoid criminal liability, platforms would be, amongst others, required to obtain and assess information to verify buyers. The European Commission fears that due to the costly and lengthy fact-checking process this could interfere with freedom of expression and freedom of information.¹³⁵ The Irish government and relevant EU authorities continue to engage in dialogue on this matter.

In **Estonia**, the Consumer Protection and Technical Regulatory Authority (TTJA) ordered telecommunications companies to stop the broadcast of four Russian and one Belarussian TV channels. The decision was made on the grounds that the channels had spread Kremlin propaganda as they had featured an announcement by Vladimir Putin on 24 February 2022 justifying the Russian attack on Ukraine. The TTJA reasoned that airing the announcement had crossed a line

on inciting the violation of laws and harmed the security of society.¹³⁶

Similarly, the **Lithuanian** Radio and Television Commission (LRTK) banned the broadcast of six Russian-language TV channels over their incitement of war and propaganda. The suspensions ranged between three and five years and followed earlier sanctions on Russian TV channels.¹³⁷

However, Russian propaganda has been prevalent in the media in **Hungary**. While Hungarian Prime Minister Viktor Orbán had joined Western allies in condemning the Russian invasion of Ukraine, pundits linked to the ruling Fidesz party promoted conspiracy theories. The state-owned TV channel M1 provided a platform for Georg Spätel – a UFO conspiracy theorist – to analyse the war. Ágnes Urbán, analyst of Mérték Media Monitor, called Hungarian public media the No. 1 broadcaster of Kremlin propaganda in Europe.¹³⁸ At the same time, Hungary has seen a significant increase in pro-government content on social media. Facebook has become the most effective tool of government propaganda, but pro-government content is

134 McConnell, D., [Government's Electoral Reform Bill 'incompatible' with EU directives on online advertising](#), July 21, 2022.

135 Civil Liberties Union for Europe, [European Commission Raises Concerns About Ireland's Planned Electoral Reform Bill](#), July 20, 2022.

136 ERR.ee, [Four Russian TV channels banned from Estonian airwaves](#), February 25, 2022.

137 Lrt.it, [Lithuania bans Russian, Belarussian TV channels over war incitement](#), February 25, 2022.

138 Bayer, L., [Hungary has become the EU home of Kremlin talking points](#), March 09, 2022.

also spreading like wildfire on Instagram, YouTube and, more recently, on TikTok.¹³⁹

Freedom of information

In numerous EU member states, including **Belgium, Croatia, Estonia, Germany, Italy, Ireland, Lithuania, Poland** and **Spain**, restrictions on access to public interest information remain a problem. In some cases, this is due to a strict application of data protection rules. Many problems shown in this year's report are not new. Governments had refused journalists access to places of interest, such as hospitals to report about the public health emergency, and reacted very slowly to freedom of information requests already in previous years.

According to Reporters Without Borders, in **Estonia** authorities use data protection laws as an excuse to limit the media's access to public information.¹⁴⁰ According to the EU Commission's 2022 country report, public administrations tend to delay access to public information in certain cases.¹⁴¹ In October 2022, a study was published which found that the wording of the Public Information Act encouraged this behaviour, as the law emphasises only the balancing of the rights and freedoms of the data subject and not of those requesting access.

In **Poland**, court procedures for protecting the right to information are structured in such a way that it is possible to delay answering requests for years. The Universal Periodic Review in 2022 showed that the right to information is not functioning. The process of obtaining records and data from public institutions can be slow and difficult.¹⁴² And they face no real sanctions for doing so.

Croatia accepted the final version of amendments to the Right to Access to Information Act in April 2022, one of which imposes financial penalties to responsible persons in public bodies that don't follow decisions of the Information Commissioner. The largest amount of irregularities can be seen with regards to providing information concerning lists of donation users, sponsorships and other payments from public funds, etc. In a democracy, this type of information is essential to citizens in order to make informed decisions, making it all the more problematic to not provide it in a timely and open manner.

In **Germany**, considerable differences in the legislation of the *Länder* impact requests based on the Freedom of Information Act. A federal Freedom of Information Act exists, governing access to information on the federal level. Additionally, some of the *Länder* adopted their own legislation to govern at the local level. However, such information acts do

139 Hungarian Civil Liberties Union: [Liberties Rule of Law Report 2023: Hungary](#), February 21, 2023.

140 Reporters without Borders, [Estonia](#), 2023.

141 European Commission, [2022 Country Report - Estonia](#), May 23, 2022.

142 Freedom House, [Freedom in the World 2022: Poland](#), without date.

not exist at all in Bavaria and Lower-Saxony. Journalists are not privileged under these freedom of information acts and have to pay a fee to apply for a request. Furthermore, it often takes several years until journalists are granted access to information. As this information is often only relevant for a short time, this greatly impacts their work. Even though civil society organisations, journalists' associations and the Council of Europe's Group of States Against Corruption have called for reforms of the law and the government has promised them, no amendments have been made since 2006.

In **Ireland**, certain categories of information are not published routinely by government departments. The process to gain this information via freedom of information legislation is being made more difficult than necessary. It is common practice for departments to provide large documents in such a manner that makes them more difficult to analyse. Fees are routinely excessively high and there is no clarity on how rates are set. While there is currently a review of the regime, it is behind schedule.

In **Italy**, the Directive 2016/343¹⁴³ on the protection of the presumption of innocence has

been interpreted by some public prosecutors in a very restricting way, claiming they can no longer deliver any information to journalists about ongoing judicial investigations. The implementation of such provisions often leads to the denial of access to information, creating significant obstacles to professionals dealing with court reporting. In fact, the General Data Protection Regulation is used instrumentally in these cases to prevent journalists from having access to data. The main challenge remains striking a balance between the right to access information, to protect personal data, and to protect journalistic sources.¹⁴⁴

In **Spain**, the Madrid Press Association denounced the fact that when the leader of the government makes public appearances, as well as during press conferences, journalists are given little opportunity to ask questions.¹⁴⁵ The Association further laments that increasingly often, those with institutional responsibilities act as if journalists were only transmitters of their words.¹⁴⁶

On a more positive note, organisations in the **Netherlands** and **Slovenia** are highlighting forward-looking developments. In October 2021, for example, the Dutch Government

143 [Directive \(EU\) 2016/343 of the European Parliament and of the Council of 9 March 2016 on the strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings.](#)

144 Rita, M., [Italy, journalism and the rule of law](#), November 17, 2022.

145 Asociación de la Prensa de Madrid, [La APM reclama al Gobierno mayor pluralidad en la participación de medios en las ruedas de prensa](#), December 30, 2021.

146 Asociación de la Prensa de Madrid, [La APM denuncia que Feijóo no aceptara preguntas tras hacer balance de su gestión](#), July 28, 2022.

Information Act was adopted and went into effect in 2022. The Act should create more transparency and make government information easier to find, share and archive.

In **Hungary**, a law was eventually passed to facilitate access to information, but other laws have undermined the little progress the new rules could have brought. One of the most prominent independent media outlets in Hungary, the magazine and web portal HVG, sued the government for not publishing certain non-classified government decisions. On 17 March 2023, the municipal court of Budapest ruled in favour of the magazine.¹⁴⁷

147 Raidl, M., [Zeitung verklagt ungarische Regierung – und gewinnt erstinstanzlich](#), March 21, 2023.

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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