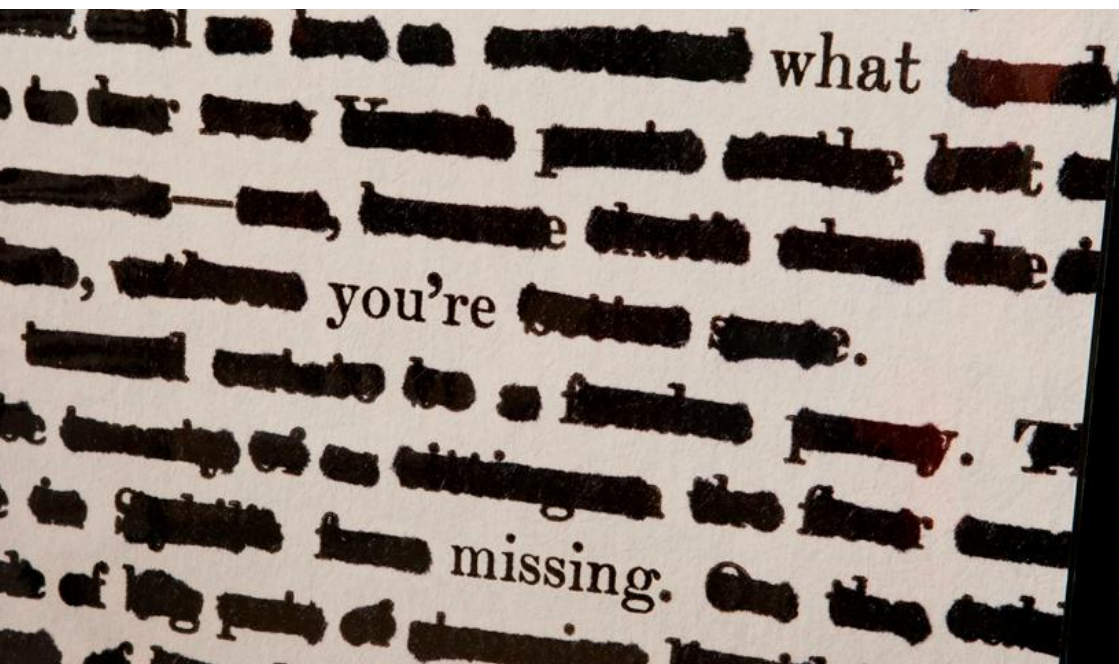# HANDS OFF PRESS FREEDOM: ATTACKS ON MEDIA IN EUROPE MUST NOT BECOME A NEW NORMAL

Annual Report
by the partner organisations
to the Council of Europe Platform
to Promote the Protection of Journalism
and Safety of Journalists

2020

safety of
journalists
platform

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HANDS OFF PRESS FREEDOM: ATTACKS ON MEDIA IN EUROPE MUST NOT BECOME A NEW NORMAL

2020 Annual Report
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Council of Europe

Illustrations:
Cartooning for Peace

Created in 2006 at the initiative of Kofi Annan, Nobel Peace Prize and former General Secretary of the United Nations, and press cartoonist Plantu, Cartooning for Peace is an international network of cartoonists committed to the promotion of freedom of expression, Human Rights and mutual respect among people upholding different cultures and believes, using the universal language of press cartoons.

Contents

Partner Organisations of the Platform to Promote the Protection of Journalism and Safety of Journalists

EUROPEAN FEDERATION OF JOURNALISTS
http://europeanjournalists.org

INTERNATIONAL FEDERATION OF JOURNALISTS
http://www.ifj.org

ASSOCIATION OF EUROPEAN JOURNALISTS
http://www.aej.org

ARTICLE 19
http://www.article19.org

REPORTERS WITHOUT BORDERS
https://rsf.org

THE COMMITTEE TO PROTECT JOURNALISTS
https://cpj.org

INDEX ON CENSORSHIP
https://www.indexoncensorship.org

INTERNATIONAL PRESS INSTITUTE
http://www.freemedia.at

INTERNATIONAL NEWS SAFETY INSTITUTE
http://newssafety.org

THE RORY PECK TRUST
https://rorypecktrust.org

THE EUROPEAN BROADCASTING UNION
https://www.ebu.ch

PEN INTERNATIONAL
http://www.pen-international.org

EUROPEAN CENTRE FOR PRESS & MEDIA FREEDOM
www.ecpmf.eu

FREE PRESS UNLIMITED
www.freepressunlimited.org

Introduction
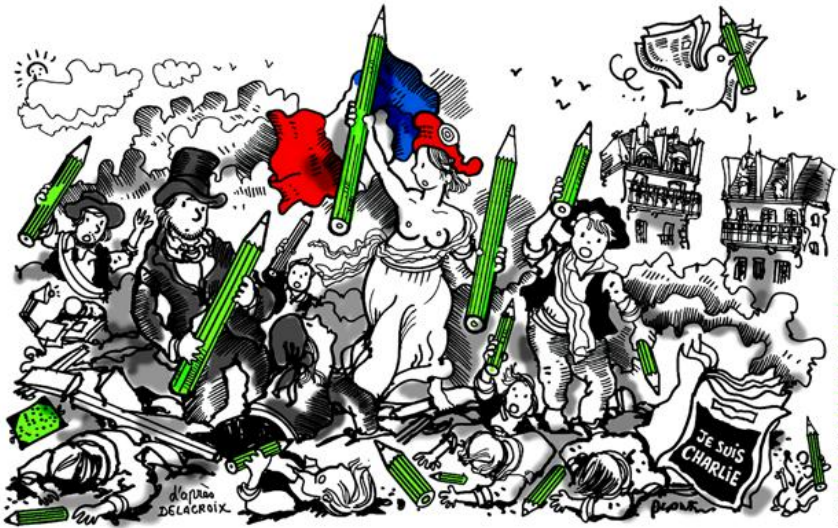
Plantu (France) / Cartooning for Peace

In 2019, Europe was an intense and often dangerous battleground for press freedom and freedom of expression. The Council of Europe's Platform to promote the protection of journalism and the safety of journalists (the Platform) recorded 142 serious threats to media freedom, including 33 physical attacks against journalists, 17 new cases of detention and imprisonment, 43 cases of harassment and intimidation, and two new cases of impunity for murder. Taken together, these alerts show a growing pattern of intimidation to silence journalists that requires urgent actions by member states to uphold the essential role of a free press in democratic societies.

▬▬▬ Two journalists were killed in Council of Europe member states during the year: Lyra McKee was shot while covering a demonstration in Northern Ireland (United Kingdom) and Vadym Komarov died of severe injuries following an attack in Ukraine. Other alerts indicate that impunity is now shielding perpetrators in at least 22 cases of journalist killings in eight countries, calling into question Europe's collective commitment to the rule of law. At the time of publication, those responsible for the murders of Daphne Caruana Galizia in Malta in 2017 and of Ján Kuciak and his fiancée Martina Kušnírová in Slovakia in 2018 had still not been brought to justice.

▬▬▬ After lengthy delays, Slovak authorities took meaningful steps toward ensuring justice for Kuciak and Kušnírová: in October, prosecutors indicted the suspected mastermind in the murder and four alleged accomplices.

At the end of 2019, at least 105 journalists were behind bars in Turkey, Azerbaijan, the Russian Federation and the Russian-controlled Ukrainian territory of Crimea.

▬▬▬ Despite the release of 27 journalists in Turkey, four in Azerbaijan and three in Ukraine, Europe's record for jailing journalists remained abysmal.

▬▬▬ At the end of 2019, at least 105 journalists were behind bars in Turkey, Azerbaijan, the Russian Federation and the Russian-controlled Ukrainian territory of Crimea.

▬▬▬ Political controls over information have grown tighter and more advanced by means of state or oligarchic ownership of media, intrusive surveillance and targeted cyber-attacks, closure of critical media outlets and online portals, and judicial and administrative harassment of journalists and other media actors.

▬▬▬ The Platform's expanding database now includes verified data covering five years. It shows that media houses and journalists not only increasingly face threats to their physical safety, but also that many of those who suffer attacks or abuse at the hands of public officials, law enforcement or protesters do not receive justice. Moreover, the data show that digital security is under pressure, and that it has become much more difficult for journalists to protect their communication with whistle-blowers and other confidential sources.

Number of alerts on the Platform since 2015
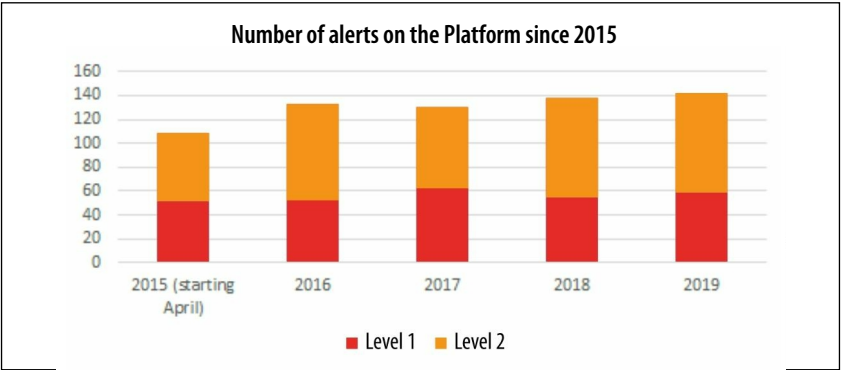
Since 2015, the aim of the Platform partners' co-operation with the Council of Europe has been to promote dialogue with every member state and thereby secure remedies for serious violations by member states and obtain effective protections for individuals. Dialogue can lead to reforms in legislation and regulatory regimes, improved protection and oversight mechanisms, and more effective investigation and prosecution of crimes against journalists. Such positive developments are welcome and can lead to cases being flagged as having made progress or being declared "resolved". In 2019, 38 alerts were resolved (including nine alerts posted in 2019), but many more were not answered, or no effective action was taken by the states concerned. The partners urge all 47 Council of Europe member states to cooperate fully with the work of the Platform by responding promptly and substantially to each alert received, and by reviewing domestic laws and practices so as to end the scourge of impunity and create a genuinely favourable environment for free, independent media to flourish.

Alerts with a state reply (2015-2019)

- With a state reply (334 alerts, 51%)
- Without a state reply (318 alerts, 49%)

Alerts by status (2015-2019)

- Resolved (144 alerts, 22%)
- Active (508 alerts, 78%)
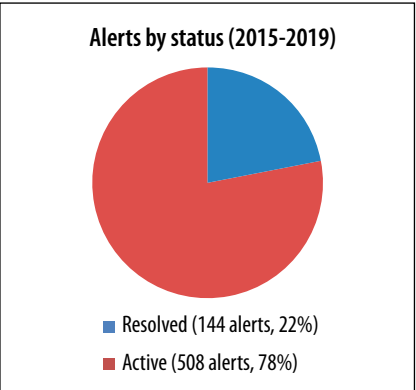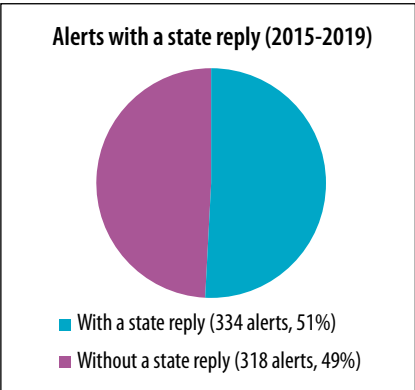
■■■ This 2020 annual report[1] opens with an overview of the alerts recorded in 2019 and an assessment of the main underlying trends. It then provides a closer analysis of key topics or themes including impunity, legal and online harassment, the impact of the fight against "fake news", public service and Strategic Lawsuits Against Public Participation (SLAPPs), and a focus on selected countries and regions of special concern. The report also contains a statistical breakdown of the alerts.

■■■ The condition of media freedom in Europe today is deeply unsatisfactory. What transpires from the report is that political attempts to "capture" the media and failures by many state authorities to maintain a credible framework of protections for media freedom have become systemic. This report is a loud wake-up call to Council of Europe member states to act quickly and resolutely to end the assault against press freedom, so that journalists and other media actors can report without fear.

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1   The 14 partner organisations participating in the work of the Platform have jointly written this annual report. The various sections have been contributed by different organisations. Each partner organisation reserves the right to make its own assessment of any issue or case.

Significant features of the assault on press freedom in the Council of Europe region

Violent attacks against journalists and other media workers on the rise

■■■■ In 2019, the Platform recorded 33 alerts on violent assaults and physical intimidation, including death threats. Of these alerts, 27 (82%) were of level 1, covering the most severe threats to media freedom, which is a significant increase from previous years.[2] Two journalists were killed: Ukrainian investigative reporter Vadym Komarov died in June of terrible injuries sustained in an attack that left him in a coma. A criminal investigation was ongoing at the time of writing. 29-year-old freelance journalist Lyra McKee was shot dead as she stood near police lines during a sectarian riot in Northern Ireland (UK). An extremist Irish Republican organisation, the "new IRA", admitted responsibility for her death. Multiple assaults in 2019 were attributed to members of private security services or criminal gangs[3] in France, Italy, the Russian Federation, Serbia, Turkey, Ukraine and the United Kingdom.

■■■■ 34 alerts in 11 countries related to violence against or obstruction of journalists during protests, rallies and other public events. They include physical assaults against journalists, destruction of professional equipment, and arrests or detentions. This surge in anti-media violence at public gatherings represented the sharpest increase of all the alert categories in 2019, reflecting a spike in street attacks either by police or by protesters and members of the public in various parts of Europe. Physical assaults by law enforcement were

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2   13 out of 24 alerts in 2016 (54%); 20 out of 30 alerts in 2017 (67%) and 19 out of 26 alerts (73%) in 2018.

3   Alerts "Journalist Owen Jones attacked by four men", posted 20 August 2019; "Cameraman Vadim Makaryuk severely assaulted", posted 11 July 2019; "Italy: journalist Valentino Gonzato assaulted, robbed while reporting in park", posted 18 April 2019; "Violent attack against France 3 cameraman", posted 6 June 2019; "Turkish journalists beaten, shot by unknown groups", posted 3 June 2019; "Russian video blogger Vadim Kharchenko attacked, injured in Krasnodar", posted 5 June 2019; "Journalist İdris Özyol severely beaten up", posted 20 May 2019; "Journalist Yavuz Selim Demirağ severely beaten up", posted 15 May 2019; "Neo-fascists attacked two Italian journalists", posted 8 January 2019; "Kherson daily 'Novyi Den' tear-gassed and shot at during press conference", posted 25 January 2019.

flagged to the Platform relating to clashes in Albania, Bulgaria, France, Italy and the Russian Federation.[4]

Threats and intimidation

▰▰ As many as 20 alerts concerning threats, verbal abuse and intimidation campaigns were posted in 2019 regarding 15 member states. They included death threats against a TV reporter in Kosovo[5] and a blogger in Russian Federation.[6] In Turkey, a news portal was publicly threatened with a "Charlie-Hebdo-style attack".[7] An Italian minister threatened to withdraw close police protection from journalist and writer Roberto Saviano, well-known for his coverage of the mafia[8] despite known threats to his life. That threat was not carried out. At least 20 journalists in Italy were still obliged to live under 24-hour police protection after receiving credible threats to their lives.

Women journalists are especially vulnerable and are frequently the target of personal or sexually explicit attacks online.

▰▰ Journalists and other media actors were targeted with almost complete impunity by online threats of violence, harm and hate speech, often anonymously by trolls and social media users but in some cases openly by vindictive public figures. Women journalists are especially vulnerable and are frequently the target of personal or sexually explicit attacks online.[9]

Legal harassment

▰▰ 2019 saw a clear increase in spurious and politically motivated legal threats and judicial or administrative harassment. Alerts on lawsuits or criminal

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4   Alerts "Albania: journalists and photographers injured by police during anti-government protests", posted 18 April 2019; "Italian riot police beat La Repubblica reporter Stefano Origone", posted 27 May 2019; "Bulgaria: journalists injured by police during protest", posted 18 April 2019; "Journalists beaten and detained at protests in Moscow", posted 28 July 2019.

5   All references to Kosovo in this text, whether the territory, institutions, or population, shall be understood in full compliance with United Nations' Security Council Resolution 1244 and without prejudice to the status of Kosovo.

6   Alert "Blood feud declared by official against blogger Tumso Abdurakhmanov", posted 15 April 2019.

7   Alert "Turkish news portal OdaTV threatened with violence 'like the Charlie Hebdo attack'", posted 14 January 2019.

8   Alert "Journalist Roberto Saviano threatened with withdrawal of his police protection", posted 4 June 2019.

9   Index on Censorship (2019), "Demonising the media: Threats to journalists in Europe", at: www.indexoncensorship.org/demonising-the-media-threats-to-journalists-in-europe/, accessed 26 February 2020.

investigations against media workers were filed in relation to Austria, Belgium, Bulgaria, Finland, Germany, Poland, the Russian Federation, and Turkey. The forms of alleged abuses of law and politically motivated investigations or prosecutions ranged from accusations of justifying terrorism, to spreading false information, to pressures to reveal confidential sources. The case of Russian investigative journalist Ivan Golunov, who was falsely charged with drug offences in an attempt to frame him as a criminal offender, shows that in some cases, authorities may seek to hide efforts to punish critical reporting by bringing cases that appear completely unrelated to journalistic activity.

▬▬ Several alerts from 2019 highlight meritless legal actions by powerful individuals or companies that seek to intimidate journalists into dropping their work, also known as Strategic Lawsuits Against Public Participation (SLAPPs).

Impunity

▬▬ By the end of 2019, there were 22 alerts on the Platform concerning impunity for the murders of journalists, with two cases – those of Daphne Caruana Galizia from Malta, murdered in 2017, and Martin O'Hagan from Northern Ireland (UK), murdered in 2001 – added to the impunity category in the course of the year.

▬▬ These cases – from Azerbaijan, Malta, Montenegro, the Russian Federation, Serbia, Turkey, Ukraine and the United Kingdom – highlight deficiencies in investigations, including the failure to identify the perpetrators, sponsors, organisers or masterminds of these crimes, and the failure to secure evidence.

▬▬ The partner organisations recommend that these deep-seated flaws be addressed by member states through a comprehensive inquiry and concerted programme of judicial reforms and assistance in accordance with the Council of Europe's Implementation Strategy based on the Committee of Ministers Recommendation (2016)4 on the safety of journalists.[10] The Council of Europe "Parliamentary Assembly (PACE)" should continue to pressure member states to address impunity, including through PACE monitoring of all cases of murdered journalists.

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10 Recommendation CM/Rec(2016)4 of the Council of Europe's Committee of Ministers to member states on the protection of journalism and safety of journalists and other media actors, at: www.coe.int/en/web/freedom-expression/committee-of-ministers-adopted-texts/-/asset_publisher/aDXmrol0vvsU/content/recommendation-cm-rec-2016-4-of-the-committee-of-ministers-to-member-states-on-the-protection-of-journalism-and-safety-of-journalists-and-other-media-, accessed 26 February 2020.

Detention and arrest

▬▬ As of 31 December 2019, the Platform had recorded 105 cases of journalists behind bars in the Council of Europe region. This figure includes 91 journalists jailed in Turkey, seven in Azerbaijan, four in Russian-controlled Crimea, and three in the Russian Federation.

▬▬ The figure for Turkey declined from last year, when 110 journalists were behind bars. Journalists were freed in Turkey either from pre-trial detention, based on new rules on appeals or after completion of their sentences. At the same time, the Platform registered eight new cases of detentions. Most jailed journalists in Turkey are victims of the government's conflation of critical journalism with terrorism.

Political grip over the media sector

▬▬ The Platform alerts in 2019 bear witness to continuing threats to the independence, credibility and sustainability of public service media (PSM) across Europe, including moves to reduce funding in several member states and examples of political interference in the management and governance of public broadcasters. The partner organisations have expressed significant concerns about government moves in the UK and elsewhere to discredit public broadcasting channels or to limit appearances on their programmes to face questioning, especially at times of election and political uncertainty. In several countries PSM have been de facto transformed into state media. PSM in the Russian Federation, Poland and Hungary, have become government mouth-pieces, acting as convenient propaganda tools before and during elections.

▬▬ It is essential that states refrain from direct or surrogate ownership of media and maintain the political neutrality of PSM as well as regulatory bodies so as to establish a favourable environment for open public debate in accordance with the norms and standards that are required of Council of Europe member states.

Expanding surveillance measures

▬▬ Developments in 2019[11] underscore the threat to the confidentiality of journalists' sources, especially through legislation which gives intelligence agencies vast surveillance powers, including access to journalists' communications.

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11   Alert "German draft legislation would enable intelligence agencies to spy on journalists", posted 10 June 2019.

Older alerts on legislation introducing mass surveillance without proper safe-guards, in France, Poland and Switzerland,[12] remained active in 2019.

▬▬ Other cases, including from France,[13] the Netherlands,[14] and Spain[15] highlighted efforts to force journalists to reveal their sources in response to media investigations that shed light on matters of public interest, including weapons exports and corruption. In Slovakia, it became known that a former intelligence agent acting at the behest of a well-known businessman carried out an extensive surveillance operation in 2017 and 2018 against critical journalists,[16] including murdered reporter Ján Kuciak, with the aim of collecting information to discredit them.

Osama Hajjaj (Jordan)/ Cartooning for Peace

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12 Alert "Swiss Intelligence Act threatens secrecy of journalistic sources", updated 19 August 2019.
13 Alert "Three journalists summoned for compromising national defence classification", posted 01 August 2019.
14 Alert "TV reporter Robert Bas jailed for refusing to disclose source at murder trial", posted 28 October 2019.
15 Alert "Police seize journalists' equipment and documents in Mallorca leaks investigation", updated in 2019.
16 Alert "Mass surveillance operation on Slovak journalists" posted 14 June 2019.

Online freedoms

▬▬ Alerts in 2019 on Albania, Turkey and Ukraine, highlighted judicial or regulatory decisions blocking access to news and information websites. In July, a judge in Turkey blocked access to 136 internet sites, including news portals as well as dozens of social media accounts.[17]

▬▬ The Russian Federation adopted the so-called "Sovereign Internet Law",[18] which created an obligatory national domain name system and gave the regulator broad powers to control cross-border internet traffic. The law enables the authorities to cut off traffic between Russian Federation and the rest of the internet as well as to curb anonymity online. Separately, the Russian Duma passed legislation allowing courts to sanction those who use the internet to spread "fake news" or disrespect government officials and state symbols, as well as to block websites that publish such material.[19]

Freelance journalists especially vulnerable

▬▬ In 2019, the Platform enhanced its alert system to enable partner organisations to better track and log information about threats to freelance journalists. Out of the 142 alerts registered during the year, 19 cases involved freelancers, including the two journalists killed in 2019. At least 13 of the 22 cases of unsolved murders of journalists concern freelancers.

▬▬ These alerts show that freelancers are particularly vulnerable to harassment or arbitrary treatment, as they cannot rely on the corporate support available to their colleagues who are regularly employed. Freelance journalists generally must finance their own health, insurance and security provisions, and so are less protected. Freelancers must therefore rely on state institutions to uphold their rights and ensure their access to justice when targeted.

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17   Alert "Court imposes access block on news portal and social media", posted 07 August 2019.
18   Alert "Sovereign internet bill adopted", posted 30 April 2019.
19   Alert "Russia: President Putin signs into law Russia's 'fake news' and 'internet insults' bans", posted 23 April 2019.

Erosion of proper safeguards against bias in media reporting on elections

Assaults, intimidation and lawsuits targeting journalists increase at times of elections, referendums and other landmark political moments.

▬▬ Alerts in 2019 exposed infringements of the Council of Europe standards concerning the safeguards to ensure that elections are conducted free from political interference and that voters can make informed choices.[20] At least eight alerts submitted during the year show that assaults, intimidation and lawsuits targeting journalists increase at times of elections, referendums and other landmark political moments.

▬▬ In some member states, political leaders' public complaints about election coverage, reluctance to submit to questioning and hints of new constraints on the budgets and mandates of public broadcasters have been seen as moves intended to rein in media, which are often best placed to scrutinise the actions and decisions of the governments in power.

▬▬ During elections in 2019, the governments of Poland and Hungary interfered in the media sector, notably in public broadcasters, in ways that secured a significant advantage for ruling political parties.

Media freedom on the agenda of European institutions

▬▬ **Council of Europe.** Following the report of the PACE Special Rapporteur, Pieter Omtzigt, a resolution demanded the establishment of an independent public inquiry into the circumstances surrounding the assassination of Daphne Caruana Galizia in Malta. After months of negotiations concerning the terms of inquiry and composition of the board, the public inquiry was finally established in November 2019.

▬▬ The partner organisations urge speedy rulings in the cases of journalists before the European Court of Human Rights, where eight of the 10 cases of journalists from Turkey awarded priority status remain pending.

▬▬ **European Union.** The EU showed political will to defend press freedom in member states and make them more accountable. After May 2019 elections, Commission President Ursula von der Leyen put forward Věra Jourová as

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20   Council of Europe (2018) "Compilation of Venice Commission Opinions and Reports concerning media and elections", at: www.venice.coe.int/webforms/documents/?pdf=CDL-PI(2018)006-e, accessed 27 February 2020.

Vice-President and Commissioner for Values and Transparency with a mandate to strengthen press freedom. The European Parliament monitored progress in the trial of murdered Slovak journalist Ján Kuciak, and expressed concerns about the credibility of investigations in Malta related to the assassination of Daphne Caruana Galizia. Progress was made in the planning of a permanent, independent EU-wide mechanism on democracy, the rule of law and fundamental rights which should, among others, assess EU member states' records on press freedom.

Member states' responses to alerts

▬▬ In 2019 two member states, Hungary and Italy, resumed responding to alerts and by the end of the year the overall response rate had risen slightly to 60%. However, the Platform partners consider this response rate to be disappointing and inadequate. The Russian Federation and Bosnia and Herzegovina have not replied to any alerts on the Platform, while Azerbaijan and Turkey have failed to respond to the alerts since 2016.

▬▬ The partner organisations strongly urge Azerbaijan, Bosnia and Herzegovina, the Russian Federation, and Turkey to engage constructively with the Platform. They encourage all member states to follow the example of France by establishing inter-institutional mechanisms to respond to every alert and co-ordinate remedial actions. These steps would demonstrate the transparency and accountability of state authorities' responses to the alerts and facilitate the creation of favourable environments for the media to work safely and without fear of reprisals.

Selected topics

Censorship in the context of "fake news", counterterrorism and government accountability
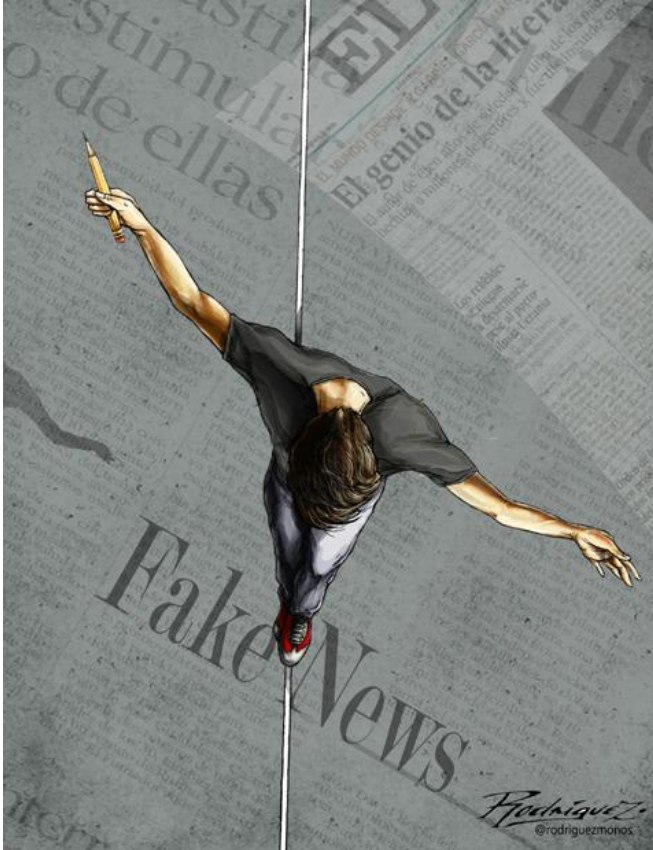
Antonio Rodríguez (Mexico) / Cartooning for Peace

▬▬▬ Several alerts in 2019 highlighted growing efforts by state authorities to censor content deemed false, deceptive or harmful, in the context of national security and public order. In many of these cases, authorities have claimed the right to determine what information is fit to print or broadcast by invoking the "fight against fake news".

▬▬▬ Legislation introduced in the Russian Federation in April 2019 allows courts to sanction those who use the internet to spread "fake news" or show "disrespect for society, the state, [and] state symbols", and to block websites that publish the offending material.[21] The laws grant media regulator Roskomnadzor sweeping powers to determine what constitutes "fake news", without independent judicial review.[22] In the first charge under these laws, journalist Mikhail Romanov was fined after being found guilty of "abuse of free speech rights by publishing fake news that poses a threat to the public",[23] over his report that Federal Security Service agents had tortured an academic. His fine was cancelled on appeal in December 2019, over "lack of sufficient evidence". In a separate case, Roskomnadzor ordered take-downs of online videos showing street protests in Moscow on the grounds that they were "advertising for unauthorised demonstrations".[24]

▬▬▬ On 11 October 2019, Turkish prosecutors declared a sweeping ban under the country's anti-terrorism laws on news about Turkey's military action in northern Syria,[25] threatening prosecution against anyone endangering the security or social peace in Turkey with "any kind of suggestive" news in a publication, broadcast or on social media. Two editors of online media outlets were detained on that day. Two foreign reporters from *Bloomberg* who had written articles describing how Turkish authorities and banks were responding to a shock devaluation of the Turkish lira were arrested, and charged with sharing "false, wrong, or deceptive information" to affect the markets.[26]

▬▬▬ On 1 December, Albania's Prime Minister Edi Rama ordered the Electronic and Postal Communications Authority to block online news portals on the grounds of distributing panic-inducing "fake news" following a major earthquake.[27]

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21   Alert "Russia: President Putin signs into law Russia's 'fake news' and 'Internet insults' bans'", posted 23 April 2019.
22   Richter, A. (2019) "Disinformation in the media under Russian Law", IRIS Extra, European Audiovisual Observatory, Strasbourg, at: https://rm.coe.int/disinformation-in-the-media-under-russian-law/1680967369, accessed 27 February 2020.
23   Alert "Russian journalist Mikhail Romanov found guilty of 'abuse of freedom of information' and 'fake news'", posted 12 August 2019.
24   Alert "Roskomnadzor requests the take-down of information about Moscow protests", posted 14 August 2019.
25   Alert "Turkey bans critical reports on military operation in Syria, detains two journalists", posted 11 October 2019.
26   Alert "Turkey charges Bloomberg reporters with undermining the economy", posted 23 September 2019.
27   Alerts "Prime Minister pressures online portals and information channels"; "Information website joqalbania.com blocked", posted 5 December 2019.

▬▬▬ Proposals by the UK government to regulate "harmful" material online were met with protests.[28] Arguing that new legal powers were needed to combat terrorism, child abuse and other harms on the internet, the government launched a consultation on plans to impose an ill-defined "duty of care" on online publishers, including social media outlets, public discussion forums, non-profit organisations, file-sharing sites and cloud-hosting providers. Breaches of the law would incur substantial fines and possibly criminal liability. Media and NGOs demanded robust and legally watertight safeguards against prior restraint for comment sections and the forced removal of material that, although not shown to be illegal, might be deemed to be "harmful".

Behind the cloak of supposedly legitimate purposes, laws and administrative measures allegedly aimed at countering "false", "insulting" or other "harmful" news may lead to censorship and suppress critical thinking.

▬▬▬ In Slovakia, after former Prime Minister Robert Fico vowed to end "media terror and lynching", lawmakers passed legislation[29] to grant public officials and high-ranking politicians a legally enforceable right of reply in response to allegedly false statements. Amendments tabled by the opposition blocked more draconian aspects of the measure, including granting officials a right to reply to opinions. The bill was passed despite protests and against the advice of the OSCE Representative on Freedom of the Media.

▬▬▬ Behind the cloak of supposedly legitimate purposes, laws and administrative measures allegedly aimed at countering "false", "insulting" or other "harmful" news may lead to censorship and suppress critical thinking. Often worded in vague and overly broad terms, they lack the required legal foreseeability and pave the way for arbitrary or abusive application, sometimes by a single administrative authority. They sometimes bypass the need for procedural safeguards by an independent or judicial review process.[30] They also blur the fundamental distinction between facts, which are susceptible to being proven true or false, and opinions.[31] They further ignore that, by accepting to work in the public sphere, politicians, judges and civil servants should stand a greater degree of criticism.[32]

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28 Alert "Proposal for online harms regulation risks impacting media freedom", posted 17 April 2019.
29 Alert "Slovakia seeks to introduce right of reply for politicians", posted 6 February 2019.
30 Council of Europe (2016), "Compilation of Venice Commission opinions and reports concerning freedom of expression and media", p. 20 et s.; 33 et s, at: /www.venice.coe.int/webforms/documents/?pdf=CDL-PI(2016)011-e, accessed 27 February 2020.
31 *Dalban v. Romania* [GC], application No. 28114/95, judgment of 28 September 1999.
32 *Lingens v. Austria*, application No. 9815/82, judgment of 08 July1986.

Media coverage of protests and demonstrations

Alerts posted on the Platform in 2019 show that policing of protests and demonstrations is problematic in many Council of Europe member states.

■■■ In democracies, journalists must be able to carry out their watchdog role by reporting in public spaces, including at protests and demonstrations. Law enforcement must respect the media's right to report from protests and demonstrations and the public's right to be informed.

■■■ The presence of the press helps to ensure that police and security forces can be held to account for their conduct vis-à-vis protesters and the public at large, including for the methods used to control or disperse protesters. The European Court of Human Rights has upheld these principles in a number of cases, ruling in favour of journalists who were arrested and prosecuted for disobeying police orders after taking pictures[33] of or reporting on demonstrations despite a general access ban to a public space,[34] and even in the case of unauthorised protests.[35] Accordingly, police must allow journalists access to public spaces to allow them to exercise their profession.

■■■ Alerts posted on the Platform in 2019 show that policing of protests and demonstrations is problematic in many Council of Europe member states.[36] Several alerts report physical assaults on journalists by law-enforcement officers, or instances in which journalists or photographers suffered assaults or harassment by demonstrators after police failed to take appropriate actions to protect them. On 18 April 2019, award-winning journalist Lyra McKee was shot while reporting on riots in Northern Ireland (UK).[37] Alerts were also posted relating to police hindrance and disruption of media workers' reporting of protests and demonstrations, including the arrest and taking into custody of journalists, and other disproportionate measures such as blanket regional bans on reporting[38] and threats.[39]

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33   *Butkevitch v. Russia*, application No. 5865/07, judgment of 13 February 2018.
34   *Gsell v. Switzerland*, application No. 12675/05, judgment of 8 October 2009.
35   *Najafli v. Azerbaijan*, application No. 2594/07, judgment of 2 October 2012.
36   Alerts relating to Albania, Azerbaijan, Belgium, Bosnia and Herzegovina; Bulgaria, France, Greece, Italy, Serbia, Spain, the Russian Federation, Turkey, Ukraine, and the United Kingdom.
37   Alert "Journalist Lyra McKee killed in Northern Ireland", posted 23 April 2019.
38   Alert "Turkey bans critical reports on military operation in Syria, detains two journalists", posted 11 October 2019.
39   Alert "Italian Interior Minister's security escort officer threatens a journalist", posted 1 August 2019.

▬▬▬ Problems of similar kinds were reported in many member states: journalists were also threatened, attacked or arrested at demonstrations in Catalonia (Spain);[40] in Turkey during protests against military operations in Syria[41] and against the dismissal of elected mayors in towns in the country's South-East;[42] during protests against corruption and public policy in Albania[43] and Azerbaijan,[44] and in the run-up to local elections in the Russian Federation.[45]

▬▬▬ In 2019, France experienced a significant increase in violence against media workers who covered the protests against government policies (see the section of this report relating to France).

▬▬▬ The cases on the Platform regarding media coverage of protests also underline the precarity that freelance journalists face when covering rallies and events involving large or hostile crowds. Many freelancers depend on short-term contracts or on ad hoc payments and lack the means to acquire proper safety equipment. Those who do not have press cards to demonstrate their status are especially vulnerable to being assaulted or roughed up by police or protesters.

SLAPPs: abusive legal actions designed to intimidate

▬▬▬ Strategic Lawsuits Against Public Participation (SLAPP) refer to (typically civil) lawsuits brought by powerful individuals or companies that have no legal merit and are designed to intimidate and harass the target – especially through the prospect of burdensome legal costs – and not to be won in court. In some cases, the threat of bringing such a suit, including through letters sent by powerful law firms, is enough to bring about the desired effect. Several alerts from 2019 highlight legal actions against journalists that amount to SLAPPs.

▬▬▬ In Malta, powerful individuals continued to use SLAPPs to scare journalists into halting investigations into corruption and other matters of public interest.

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40   Alerts "Twelve journalists victims of violence on the sidelines of demonstrations in Catalonia", posted 15 October 2019; "Violent arrest of reporter Albert Garcia", posted 21 October 2019.
41   Alert "Turkey bans critical reports on military operation in Syria, detains two journalists", posted 11 October 2019.
42   Alert "At least nine journalists detained for reporting on protests against Government-appointed trustees", posted 30 August 2019.
43   Alerts "Police assault on the journalist Enver Doçi", posted 3 July 2019; "Albania: journalists and photographers injured by police during anti-Government protests", posted 18 April 2019.
44   Alerts "Journalists detained and subjected to police violence while covering peaceful protests", posted 24 October 2019; "Azerbaijani journalist Seymour Hazi detained in run-up to protests", posted 23 October 2019.
45   Alerts "Journalists beaten and detained at protests in Moscow", posted 28 July 2019; "Russian police beat at least 1 journalist, arrest 2 during May protests in St. Petersburg", posted 9 May 2019.

In September 2019, the law firm Carter Ruck – acting on behalf of the Maltese government and instructed by former Prime Minister Joseph Muscat, his wife, Michelle, his former Chief of Staff Keith Schembri, former minister Konrad Mizzi, and Minister Christian Cardona – sent a letter marked "private and confidential" to blogger Manuel Delia who, with journalists Carlo Bonini and John Sweeney, authored the book *Murder on the Malta Express: Who Killed Daphne Caruana Galizia?* The letter alleged that the book's contents were highly defamatory. No response was received from the Maltese government to this alert.[46]

███ The Platform received an alert in 2019 on over 1,100 pending lawsuits against journalists and news outlets filed by politicians, public figures and corporations in Croatia. Most of the court cases involved compensation claims for alleged non-material damages such as "mental anguish" or a "tarnished reputation". Journalists denounced the cases as censorship by law.

███ Several meritless complaints of different legal types were filed in Belgium against investigative journalists David Leloup and Tom Cochez by companies or individuals belonging to the political and financial community of the city of Liège following an investigation into a suspected corruption case.[47]

███ Also in 2019, a number of media freedom organisations including Platform partners signed a joint call on British businessman Arron Banks to drop a libel lawsuit against *Guardian* journalist Carole Cadwalladr, which the partners considered an example of a SLAPP due to the suit's meritless, vexatious nature and its apparent intent to silence Cadwalladr's work.[48] Cadwalladr had reported on the funding of Banks's *Leave.EU* campaign and questioned Banks' ties to the Russian Federation following the leak of documents exposing the Russian Government's offer of a gold and diamond deal to Banks – matters that are clearly of high public interest.

███ The Platform also recorded examples in which courts had resisted SLAPP suits and sanctioned those who brought abusive cases. In March 2019, the Paris Court of Appeal ordered Bolloré SA to pay France Télévisions €10,000 in damages for frivolous proceedings after the company sued the media organisation in commercial court for €50 million in damages over a report scrutinising the company's activities in Africa.[49]

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46 Alert "Attempted intimidation of journalists Carlo Bonini, John Sweeney and blogger Manuel Delia", posted 24 October 2019.

47 Alert "Multiple complaints filed against journalists David Leloup and Tom Cochez", posted 21 January 2019.

48 IFEX (2019) "Free expression groups call on Arron Banks to drop lawsuit against journalist Carole Cadwalladr", at: https://ifex.org/free-expression-groups-call-on-arron-banks-to-drop-slapp-lawsuit-against-journalist-carole-cadwalladr/, accessed 27 February 2020.

49 Alert "France 2 TV channel sued in a commercial court by the Bolloré Group", posted 27 July 2016, resolved 11 June 2019.

Impunity for the killings of journalists and other serious attacks

Glez (Burkina Faso) / Cartooning for Peace

▬▬ Impunity is the result of the failure by state authorities to identify, prosecute and punish all those, including the assailants and masterminds, responsible for crimes of violence against journalists. Beyond the injustice done to the victims and their families, it gives rise to a suspicion of official collusion in, or tolerance of, unlawful acts and undermines public confidence in the rule of law.

▬▬ Under the European Convention on Human Rights, countries have an obligation to carry out prompt, impartial and effective investigations into attacks perpetrated against journalists. Several judgments by the European Court have established that states must fulfil "positive obligations" to carry out effective investigations following the killing or disappearance of a journalist.

Even when perpetrators or hitmen were prosecuted, the organisers or masterminds often remained unidentified.

▬▬▬ At the end of 2019 there were 31 alerts on impunity, including 22 alerts relating to unsolved murders of journalists in Azerbaijan, Malta, Montenegro, the Russian Federation, Serbia, Turkey, Ukraine and the United Kingdom (see page 27). These cases highlight multiple deficiencies and delays in criminal investigations and delays resulting from failures by law-enforcement and prosecution authorities. One alert sheds light on the deliberate delay to exceed the expiry date of the limitation period.[50] Other deficiencies undermined the ability to establish the cause of death of a killed journalist. Often, investigations failed to take the necessary actions to secure evidence about possible links between the homicide and the journalist's work, and connections between the suspects and local, regional or state authorities. As a result, even when perpetrators or hitmen were prosecuted, the organisers or masterminds often remained unidentified. Impunity therefore often reveals wider, systemic flaws in the rule of law.

▬▬▬ None of the 22 cases on impunity for murder were closed in 2019. Some limited progress was reported regarding the investigation of the murder of Pavel Sheremet in Kyiv (Ukraine) and in the cases of Andrea Rocchelli and Andrei Mironov, who were killed in eastern Ukraine. The Platform recorded these developments accordingly, but the cases have yet to be resolved. Two additional cases were added to the category of impunity to reflect the lack of progress in the investigations into the murder of journalist Martin O'Hagan[51] in the United Kingdom back in 2001 and the murder of Daphne Caruana Galizia in Malta in 2017.

▬▬▬ Both the Committee of Ministers[52] and the PACE[53] have repeatedly called on member states to bring to justice all the perpetrators of serious crimes against journalists. On 2 November 2019, the Secretary General of the Council of Europe stated that fighting impunity is at the heart of what the Organisation stands for.[54]

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50   Alert "Impunity for police officers who attacked journalists", posted 19 March 2018.
51   Alert "Continued impunity for murder of journalist Martin O'Hagan in 2001", posted 26 August 2019.
52   Council of Europe (2011), "Guidelines on eradicating impunity for serious human rights violations", at: https://rm.coe.int/16805cd111, accessed 27 February 2020; Council of Europe (2016), Recommendation Rec(2016)4 to member states on the protection of journalism and safety of journalists and other media actors, § 24 et s. at: www.coe.int/en/web/freedom-expression/committee-of-ministers-adopted-texts/-/asset_publisher/aDXmrol0vvsU/content/recommendation-cm-rec-2016-4-of-the-committee-of-ministers-to-member-states-on-the-protection-of-journalism-and-safety-of-journalists-and-other-media-, accessed 27 February 2020.
53   PACE Resolution 2252(2019) "Sergei Magnitsky and beyond – fighting impunity by targeted sanctions", 22 January 2019.
54   Council of Europe Secretary General (2019), "Declaration on the International Day to End Impunity for Crimes against Journalists", at: www.coe.int/en/web/human-rights-channel/end-impunity-for-crimes-against-journalists, accessed 27 February 2020.

Cases on the Platform regarding impunity for murder of journalists

Daphne CARUANA GALIZIA – Malta – 2017

Saaed KARIMIAN – Turkey – 2017

Pavel SHEREMET – Ukraine – 2016

Rohat AKTAŞ – Turkey – 2016

Naji JERF – Turkey – 2015

Timur KUASHEV – Russian Federation – 2014

Andrea ROCCHELLI and Andrei MIRONOV – Ukraine – 2014

Viacheslav VEREMII – Ukraine – 2014

Oleksandr KUCHYNSK – Ukraine – 2014

Mikhail BEKETOV – Russian Federation – 2013

Akhmednabi AKHMEDNABIYEV – Russian Federation – 2013

Nikolai POTAPOV – Russian Federation – 2013

Rafiq TAGI – Azerbaijan – 2011

Gadzhimurad KAMALOV – Russian Federation – 2011

Hrant DINK – Turkey – 2007

Anna POLITKOVSKAYA – Russian Federation – 2006

Elmar HUSEYNOV – Azerbaijan - 2005

Dusko JOVANOVIĆ – Montenegro – 2004

Martin O'HAGAN – United Kingdom – 2001

Georgiy GONGADZE – Ukraine – 2000

Dada VUJASINOVIĆ – Serbia – 1994

Impunity for the killings, kidnappings and disappearances of 14 Serbian and Albanian journalists in Kosovo[55] between 1998 and 2005

Bardhyl AJETI (2005), Bekim KASTRATI (2001), Xhemajl MUSTAFA (2000), Shefki POPOVA (2000), Marian MELONAŠI (2000), Momir STOKUĆA (1999), Krist GEGAJ (1999), Aleksandar SIMOVIĆ (1999), Milo BULJEVIĆ (1999), Ljubomir KNEŽEVIĆ (1999), Enver MALOKU (1999), Afrim MALIQI (1998), Đuro SLAVUJ and Ranko PERENIĆ (1998)

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55 All references to Kosovo, whether the territory, institutions or population, in this text shall be understood in full compliance with United Nations' Security Council Resolution 1244 and without prejudice to the status of Kosovo.
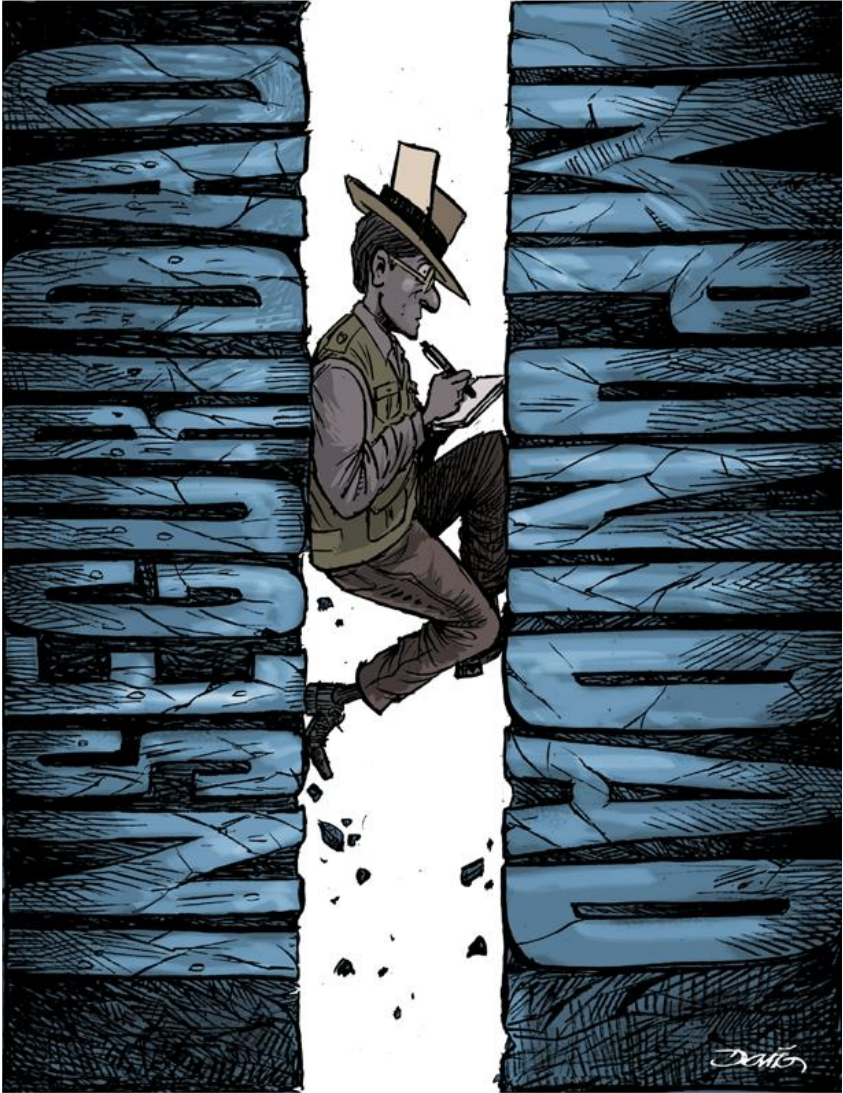
Darío (Mexico) / Cartooning for Peace*

* Insecurity, impunity (translated from Spanish)

Online harassment

Online harassment is now endemic.

▬▬▬ In 2019, the Platform registered seven alerts concerning online harassment, smear campaigns and threats against journalists – a growing concern for press freedom in Europe.[56]

▬▬▬ In Slovakia, journalists were the target of an online smear campaign by former police president Tibor Gašpar. The journalists, including Péter Bardy of *Aktuality.sk*, Monika Tódová from *Dennik N* and Jana Šimíčková from the weekly *Plus 7,* had been reporting on Gašpar's suspected role in unlawful surveillance of journalists, including Ján Kuciak. In his Facebook posts, Gašpar attacked the journalists as "liars and propagandists",[57] while Ľuboš Blaha, head of the foreign affairs committee in the Slovak Parliament, carried out a similar campaign against two women journalists.[58]

▬▬▬ In the United Kingdom, Sam McBride, a journalist with the *News Letter,* was the subject of an online attack by Member of Parliament Ian Paisley after McBride wrote an analysis on the possibility of devolution returning to Northern Ireland.[59] Paisley responded to the article by publishing a series of untrue allegations against the journalist, using offensive terms about him.

▬▬▬ In Albania, British journalist Alice Taylor was the subject of an online smear campaign after speaking on *Russia Today* about protests in the country.[60] In Serbia, journalist Miodrag Sovilj was targeted after he critically questioned President Aleksandar Vučić, who was hospitalised for unrelated health reasons shortly afterwards. Photos of the journalist were taken from his student MySpace account and published to portray him as an alcoholic and drug addict.[61] Zana

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56   See, for example, OSCE Representative on Freedom of the Media (2019), "Legal responses to online harassment and abuse of journalists" at: www.osce.org/representative-on-freedom-of-media/413552?download=true, accessed 27 February 2020; International Press Institute (2019), "Newsroom best practices for addressing online violence against journalists" at: https://ipi.media/wp-content/uploads/2019/06/IPI-report-online-harassment-06032019.pdf, accessed 27 February 2020.

57   Alert "Smear campaign against Slovak journalists", posted 15 October 2019.

58   International Press Institute (2019), "Slovakia ruling party official attacks female journalists online" at: https://ipi.media/slovakia-ruling-party-official-attacks-female-journalists-online/, accessed 27 February 2020.

59   Alert "*News Letter* journalist Sam McBride subjected to an online attack by Ian Paisley MP", posted 17 September 2019.

60   Alert "British journalist targeted by smear campaign", posted 08 March 2019.

61   Alert "Miodrag Sovilj targeted by smear campaign after interviewing President Vučić", posted 28 November 2019.

Cimili, a correspondent for TV channel *N1* in Kosovo,[62] received online death threats against herself and her daughter.[63]

◼◼◼ In Ukraine, a video surfaced on a Telegram channel showing pictures of four journalists, including *Bellingcat* journalists Michael Colborne and Oleksiy Kuzmenko, apparently being shot one-by-one with a gun.[64] It was accompanied by a message that said: "This video is kind of an instruction manual on how to deal with our enemies."

◼◼◼ Such acts violate journalists' fundamental rights and are likely to have a chilling effect by deterring those who have been targeted and others from reporting on sensitive topics, thus restricting the public's access to information. Studies have revealed recurrent patterns of online attacks and show that in many cases they are coordinated and follow cues set by prominent political figures. The dangers that online harassment pose to the free flow of information and the democratic exchange of ideas require an urgent response.[65]

◼◼◼ Some individuals accused of harassing journalists online did face legal consequences in 2019. On 17 December, a criminal court in Lyon, France handed down a six-month suspended sentence to an internet user who had disseminated an article insulting journalist Julie Hainaut.[66] Also in France, another individual was found guilty of threatening journalist Nadia Daam in relation to a 2017 online attack and given a five-month suspended prison sentence, enabling the partner organisations to record that "progress" had been made towards resolving the case which prompted that alert.[67]

Public Service Media

Public Service Media is undermined and exploited for political advantage.

◼◼◼ 2019 saw new threats to the independence, credibility and sustainability of PSM, including moves to reduce PSM funding in several member states and new examples of political interference in the management of public broadcasters.

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62   All references to Kosovo, whether the territory, institutions or population, in this text shall be understood in full compliance with United Nations' Security Council Resolution 1244 and without prejudice to the status of Kosovo.

63   Alert "*N1* TV reporter in Kosovo Zana Cimili received death threats", posted 20 August 2019

64   Alert "Reporters Michael Colborne and Oleksiy Kuzmenko threatened and harassed", posted 16 December 2019.

65   See, for example, PACE Resolution 2144(2017) "Ending cyberdiscrimination and online hate", 25 January 2017.

66   Alert "Police failure to respond to the serious threats a journalist received online", posted 25 June 2018.

67   Alert "Journalist Nadia Daam harassed and target of death threats on social networks", posted 7 November 2017, in progress 11 July 2019.

■■■■ As highlighted in the previous report,[68] PSM have increasingly been misused by governments in a substantial number of countries as instruments to deride and weaken their political opponents. In several cases, PSM have effectively been transformed into state media, acting as convenient tools for propaganda before and during elections.

■■■■ Research conducted by independent monitoring organisations in Poland showed that programming of national public television broadcaster *Telewizja Polska* (TVP) has become systematically biased in favour of Law and Justice, the party in power.[69] In March, State Election Commission expressed concern about lapses in media impartiality during the previous year's local elections, requesting media regulator *Krajowa Rada Radiofonii I Telewizji* (KRRiT) to monitor output before the European elections in May. KRRiT, dominated by appointees of the ruling party, declined to do so.[70] Since then, further independent monitoring has found an overwhelming government bias in the reporting of successive election campaigns by PSM in Poland.[71] Journalists and media freedom organisations have warned that the same bias will be repeated in the forthcoming May 2020 presidential election.

■■■■ In the Czech Republic, a fact-finding mission raised concerns about the independence of PSM, following attacks made by deputies in parliament against the media's senior management.[72]

■■■■ In the run-up to elections in Greece, an opposition party refused to take part in political debates on public broadcaster *ERT* because of its alleged pro-government bias. The party threatened to cut the license fee if it came to power. In the UK, Prime Minister Boris Johnson refused to take part in some proposed high-profile debates and interviews and his aides accused the *BBC* and the public service *Channel 4* of biased coverage. He raised the prospect of changing the law to decriminalise non-payment of the licence fee, thereby

68   Council of Europe Platform to promote the protection of journalism and the safety of journalists (2019) "Annual Report: Democracy at risk: threats and attacks against media freedom in Europe", at: www.coe.int/en/web/media-freedom/annual-report, accessed 27 February 2020.

69   Association of European Journalists (2019), "Polish public broadcasting in the eye of the storm", at: www.aej.org/page.asp?p_id=706, accessed 27 February 2020.

70   Update to Alert "Polish law on Public Service Broadcasting removes guarantees of independence", updated 24 March 2019.

71   Centre for Freedom of the Media/Andrzej Krajewski (2019), "State capture of public media: the case of Wiadomości, Polish Public television main daily newscast" at: http://www.cfom.org.uk/2019/07/18/state-capture-of-public-media-the-case-of-wiadomosci-the-news-polish-public-television-main-daily-newscast/, accessed 27 February 2020.

72   Centre for Media Pluralism and Media Freedom (2019), "Fact-finding mission to Czech Republic", at: https://cmpf.eui.eu/media-pluralism-monitor/mpm-2019-hungary/, accessed 27 February 2020; European Centre for Press and Media Freedom (2019), "Media for the People: Protecting public service media from political interference", at: www.ecpmf.eu/events/newsocracy-budapest2019-psm, accessed 27 February 2020.

weakening the *BBC*'s funding. He also hinted at substantial budget cuts from 2022 and called for "reflection" on the future of the licence fee system.[73]

▬▬ Politicians in several countries launched verbal attacks against PSM, which often took the form of accusing them of acting "against ordinary people" and "telling lies". These attacks became a prominent theme during several election campaigns, with candidates publicly threatening to cut funding or reduce editorial, financial and statutory autonomy.

▬▬ In Austria, Harald Vilimsky from the *FPÖ* party threatened a prominent anchor at the public broadcaster *ÖRF* and called him a "liar" on social media. After the case went to court, the politician withdrew his allegations and acknowledged that the journalist had behaved professionally.[74]

▬▬ Elsewhere, states continued to fail to properly fund public broadcasters. In Ukraine, *UA:PBC's* severe budget problems continued for the third year in a row, failing to meet the requirement of adequate funding contained in the law that is designed to transform the state broadcaster into an open and account-able network. Bosnia and Herzegovina has long failed to meet requirements under its law establishing a PSM system covering the entire country. After years of inadequate funding, *Radio-televizija Bosne i Hercegovine* has come close to collapse.

▬▬ Finally, alerts submitted to the Platform in 2019 reported several instances of verbal or physical attacks on PSM and their staff during anti-government protests, notably in France,[75] Serbia[76] and Spain.[77] In several cases, TV and radio journalists faced angry crowds who accused them of misreporting or of providing video materials to the police. Employees of *Radiotelevisión España* and *Radio Catalunya* were chased by hostile protesters and had their equipment damaged.[78]

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73   Alert "UK incidents during election campaign undermine trust in the media", posted 1 December 2019.
74   Alert "Austrian news anchor targeted in intimidation campaign", posted 29 April 2019.
75   Alert "Repeated attacks on journalists by the 'Yellow Vests' protesters", posted 19 April 2018, updated in 2019.
76   Alert "Public TV building stormed by anti-government protesters in Serbia", posted 19 March 2019.
77   Alert "Spanish reporter Laila Jiménez assaulted by protesters during Catalonia Independence march", posted 3 October 2019.
78   Alerts "Several journalists targeted while covering demonstrations", posted 13 September 2019; "Twelve journalists victims of violence on the sidelines of demonstrations in Catalonia", posted 15 October 2019.

Countries and regions in focus

Bolígán (Mexico) / Cartooning for Peace

Albania

At the end of December 2019 there were 11 active alerts on Albania, with seven new cases submitted to the Platform in 2019, compared to one in 2018. This notable increase signals a deterioration of journalists' working conditions in the country.

■■■ Four alerts focused on harassment and intimidation of journalists, including physical violence. A British journalist, Alice Taylor, who works for the web portal *exit.al*, was the target of a smear campaign following a statement she gave to *Russia Today*.[79] Local portals published photos accusing the journalist of having ties with and being paid by the Russian Federation and claiming that her portal was linked to an opposition party.

Seven new alerts in 2019 signal a deterioration of journalists' working conditions in Albania.

■■■ On 13 April 2019, several journalists were injured when Albanian police fired tear gas into a crowd during a demonstration in Tirana.[80] One reporter was incapacitated by tear gas. Another was hit on the head with a metal baton, allegedly by a police officer. The Albanian authorities replied to the alert in June, stating that in no cases had police committed any violence against any journalists or camera crews.

■■■ On 29 June 2019, the journalist and cameraman Enver Doçi from the TV channel *News 24* was attacked by police officers while filming the arrest of demonstrators in Dibra.[81] It was reported that the police beat him violently on the legs and one arm. The State Police replied to the alert, saying it regrets "the careless act committed by a police officer of the Rapid Intervention Force, pushing down the journalist Enver Doçi while he was filming the police operation".

■■■ *News 24* announced the closure of two talk shows: Ylli Rakipi's "The Unexposed Ones" and Adi Krasta's "Krasta / A Show".[82] Both programmes were critical of Prime Minister Edi Rama. Journalist Adi Krasta had his employment terminated after the president of *News 24*, Irfan Hysenbelliu, was reportedly "threatened" by the Prime Minister and the mayor of Tirana, Erion Veliaj. On 19 July 2019, journalist Artur Cani revealed that the Prime Minister had met the owner of *News 24* to demand the dismissal of journalist Ylli Rakipi, warning that Adi Krasta was likely to lose his job too.

■■■ The Albanian Media Council, an NGO comprising journalists and media professionals, has accused Prime Minister Edi Rama of exploiting the earthquake of 26 November 2019 to shut down or block critical online media.[83]

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79 Alert "British journalist targeted by smear campaign", posted 8 March 2019.
80 Alert "Albania: Journalists injured by police during anti-Government protests", posted 18 April 2019.
81 Alert "Police assault on journalist Enver Doçi", posted 3 July 2019.
82 Alert "*News 24* channel shuts down two critical talk shows", posted 29 August 2019.
83 Alert "Prime Minister pressures online portals and information channels", posted 5 December 2019.

On 30 November 2019 the Electronic and Postal Communications Authority blocked the news portal *joqalbania.com*.[84]

▬▬▬ A major issue in Albania was a set of legal amendments to the laws No. 9918 "On electronic communications in the Republic of Albania" and No. 97/2013 "On audio visual media in the Republic of Albania" that would empower the state authorities to regulate content published by online media.[85] This legislation was introduced as an "anti-defamation" package and approved by Albania's Council of Ministers on 3 July 2019. In December 2019, the Albanian Parliament approved these amendments by a large majority. Media freedom organisations warned[86] that the package would replace the current self-regulation of online media by state regulation and dismissed the last-minute changes as cosmetic. Following the veto by the Albanian president, the parliamentary majority agreed to wait for the Venice Commission opinion before voting on the legislative package under an accelerated procedure in March 2020.

Azerbaijan

Seven alerts were submitted to the Platform in 2019 on Azerbaijan; the Azerbaijani authorities did not respond to any of them.

▬▬▬ Over the years, Azerbaijan's government has used detention to silence critical journalists. Four out of seven alerts in 2019 related to detention. Despite the March 2019 release of some wrongfully imprisoned journalists, including anti-corruption blogger Mehman Huseynov,[87] the detention and harassment of journalists continued.

▬▬▬ Six journalists were behind bars at the time of writing. They include Polad Aslanov, chief editor of independent news websites *Xeberman* and *Press-az*, who faces a life sentence on treason charges and whose health is deteriorating;[88] and Afgan Mukhtarli, a journalist sentenced to six years in

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84   Alert "Information website joqalbania.com blocked", posted 5 December 2019.
85   Alert "New 'anti-defamation' legislative package threatens online media freedom", posted 29 July 2019.
86   European Centre for Press and Media Freedom (2019), "Albanian authorities pursue highly problematic media laws despite public outcry", at: https://www.ecpmf.eu/archive/news/threats/albanian-authorities-pursue-highly-problematic-media-laws-despite-public-outcry.html, accessed 27 February 2020.
87   Alert "Mehman Huseynov sentenced to two years on defamation charges", posted 10 January 2017.
88   Alert "Journalist Polad Aslanov arrested and charged with high treason", posted 19 June 2019.

prison in January 2018 after being kidnapped in Georgia and forcibly taken to Azerbaijan in May 2017.[89]

▬▬ In December, Mehman Huseynov said he was detained and severely beaten by several police officers after a protest in front of the Ministry of Internal Affairs.[90]

▬▬ Azerbaijani authorities continued to dominate the country's media landscape through regulations, direct ownership and indirect controls. Most independent media outlets have been forced to close or go into exile. Those still operating inside the country are subject to intimidation and pressure from the authorities and their surrogates.

▬▬ Those in exile were subject to vicious smear campaigns. In April the pro-government broadcaster *Real TV* threatened to leak intimate pictures of journalist Sevinc Osmanqizi, who lives in the United States, unless she ceased her online TV programme.

▬▬ The threats were reminiscent of the case of prominent investigative journalist Khadija Ismayilova, who faced a sex-tape smear campaign in 2012 after investigating government corruption. In January, the European Court ruled that Khadija Ismayilova's rights to privacy and freedom of expression had been violated.[91] Despite having been freed from prison, Ismayilova remains under a travel ban.

▬▬ At least seven journalists were detained and subsequently released while covering peaceful protests in Baku in October 2019 and several others were subjected to violence by police officers, who also seized and damaged their equipment. Internet blockages and disruption to mobile phone services in central Baku during the protests were also reported.[92]

Bulgaria

A major share of the country's newspaper distribution business is under the control of a single conglomerate, owned by a politician.

▬▬ In the last few years, Bulgaria has seen a worsening working environment for journalists, due to the polarising character of public debate, open hostility

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89   Alert "Exiled journalist Afgan Mukhtarli abducted, detained and faces charges in Azerbaijan", posted 30 May 2017.
90   Alert "Blogger Mehman Huseynov beaten by police", posted 30 December 2019.
91   *Khadija Ismayilova v. Azerbaijan*, application No. 65286/13, judgment of 10 January 2019.
92   Alert "Journalists detained and subjected to police violence while covering peaceful protests", posted 24 October 2019.

of elected politicians and sustained attacks on independent media through administrative and judicial harassment, as well as physical threats. Media ownership is opaque and characterised by the capture of the media market by oligarchs who use their media power to exert political influence and attack and denigrate rivals and critics. A major share of the country's newspaper distribution business is under the control of a single conglomerate, owned by a politician. Independent journalists and media outlets are regularly subject to intimidation in person and online.

▰▰▰ As of 31 December 2019, there were eight active alerts on Bulgaria, with four new alerts in 2019. Bulgaria replied to three of them. The independence of audio-visual media was undermined by questionable appointments and managerial decisions.[93] Three investigative journalists were forced to resign from *Nova TV* after the channel was acquired by an oligarch close to the government. The harassment against independent voices escalated, with smear campaigns and arbitrary judicial pressures being frequently used to intimidate and deter them.

▰▰▰ On 21 May 2019, Bulgarian investigative journalist Rossen Bossev from the independent weekly *Capital* was convicted in a defamation case and fined 1,000 Bulgarian Levs (€500).[94] The case was brought by the former chairman of the country's Financial Supervision Commission, Stoyan Mavrodiev, currently CEO of the state-owned Bulgarian Development Bank. The summoning of Rossen Bossev to court was seemingly intended to intimidate him and set an example for other journalists. The presiding judge, Petya Krancheva, had been the subject of critical *Capital* articles between 2010 and 2015, many of them authored by Bossev. She refused to recuse herself from the case. The case against Bossev was the last of three cases which Mavrodiev brought against journalists from *Capital*. The other two cases ended with acquittals. As of the end of 2019 the Bulgarian state had not responded to the alert.

▰▰▰ In June 2019, the Supreme Prosecutor's Office of Cassation opened a preliminary tax investigation against Asen Yordanov, the editor-in-chief and owner of the independent website *Bivol*, and reporter Atanas Tchobanov, shortly after *Bivol* published a series of reports revealing suspicious real estate deals involving the then Prosecutor General, Sotir Tsatsarov, and his deputy (and new Prosecutor General) Ivan Geshev.[95] The investigation was prompted by

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93   Alert "Suspension of Bulgarian National Radio broadcasts points to vulnerability of editorial independence", posted 17 September 2019.

94   Alert "Bulgarian journalist's conviction in defamation case called 'threat to journalism'", posted 4 June 2019.

95   Alert "Reporters Atanas Tchobanov and Asen Yordanov subjected to judicial probe", posted 22 July 2019.

an anonymous complaint purportedly in the name of an anti-corruption NGO but later shown to be fabricated. Both journalists published official documents that disproved the accusation. Nevertheless, the prosecutors ordered full tax inspection of Tchobanov and Yordanov and their relatives, which was ongoing by the end of 2019. Bulgaria responded to the alert but did not address the concerns raised.

▬▬ In September, the public broadcaster Bulgarian National Radio (BNR) was hit by a series of scandals that demonstrated the extreme fragility of its safeguards for editorial independence. Most prominently, Silvia Velikova, anchor of the prime-time morning talk show at the station, and a prominent court reporter, was suspended. Several journalists, including top editors from the BNR, said pressure was applied on the management of the radio to oust Velikova because of her critical reporting on the appointment of Bulgaria's new Prosecutor General – one of the most powerful positions in the country. Velikova was allowed back as a result of a public outcry but her new role did not allow her to cover judicial issues.

▬▬ The day after Velikova's dismissal, BNR stopped transmitting nationwide for five hours. The interruption was explained as a "technical checkup", but it was widely believed to have happened because journalists at the station refused to replace Velikova.

▬▬ One month later, Bulgaria's broadcast regulator, the Council for Electronic Media, terminated the mandate of the BNR director general. In a response to the Platform alert on BNR, the Bulgarian state said that he was dismissed in relation to the transmission suspension.

France: violence against journalists covering protests

Seven out of 13 alerts posted in 2019 related to France concerned violence or aggressive law-enforcement actions against journalists covering protests.

▬▬ France was among the countries with the highest number of alerts posted on the Platform in 2019. After Italy, it was also the EU member state with the second-highest number of active cases recorded on the Platform. Seven out of 13 alerts posted in 2019 related to France concerned violence or aggressive law-enforcement actions against journalists covering protests.

▬▬ First published in December 2018, one alert concerning excessive use of force by police during the "Yellow Vests" protests was updated five times in 2019 as scores of journalists were threatened or assaulted by law-enforcement

officials, with the former sustaining injuries including hand fractures, broken ribs and facial injuries.[96] On 5 December 2019 *Anadolu* Agency photographer Mustafa Yalcin was hit by a sting-ball grenade and risks losing the use of an eye, despite wearing protective headgear. Most problematic is the frequent use by police of "defensive" ball launchers, sting-balls, explosive tear gas grenades and other so-called non-lethal weaponry. Alerts also reported on journalists being obstructed in their work, sometimes forcibly prevented from accessing public spaces[97] and in one case being banned by court order from covering "Yellow Vests" protests for six months - a decision that was overturned on appeal.[98]

▬▬ The unions Syndicat national des journalistes (SNJ), SNJ-CGT and Confédération démocratique du travail (CFDT)-Journalistes recorded[99] in one year nearly 200 cases of journalists injured, intimidated, or prevented from working by police officers, gendarmes or magistrates.

▬▬ On 2 May 2019, following a first escalation of anti-media violence over the "Yellow Vests" protests, SNJ, SNJ-CGT and CFDT-Journalistes denounced multiple and serious attacks on press freedom[100] and called for urgent meetings with the Prime Minister and the President. On 3 May 2019, at a meeting with the representatives of Reporters Without Borders (RSF), President Macron stated that "action will be taken" to restrain excessive use of force by law enforcement. RSF subsequently met Minister of the Interior Christophe Castaner to submit recommendations and discuss measures regarding policing of protests.[101] Journalists initiated "Reporters en colère" to denounce "the repression and obstacles that [they] are increasingly subjected to on the ground". On 20 December 2019, along with 13 journalists who were victims of physical assault by members of law enforcement, RSF filed a criminal complaint with

96   Alert "Repeated police violence against journalists covering protests", posted 11 December 2018, updated in 2019.
97   Alert "Journalists banned from covering the evacuation of Amazon France's headquarters", posted 5 August 2019.
98   Alert "Journalist Gaspard Glanz banned from covering 'Yellow Vests' protests", posted 25 April 2019.
99   Syndicat National des Journalistes (2019) "Violences policières et atteintes à la liberté de la presse: le ministre de l'Intérieur doit rendre des comptes" (French only), at: www.snj.fr/article/violences-polici%C3%A8res-et-atteintes-%C3%A0-la-libert%C3%A9-de-la-presse-le-ministre-de-l%E2%80%99int%C3%A9rieur-doit-rendre-des-comptes-1043088985, accessed 27 February 2020.
100   Syndicat National des Journalistes (2019), Communiqué intersyndical: Liberté de la presse: des atteintes multiples et graves en France" (French only), at: www.snj.fr/sites/default/files/field/document/19-05-03%20communiqu%C3%A9%203%20mai.pdf, accessed 27 February 2019.
101   Reporters Without Borders (2019), "Note à l'attention du M. Christophe Castaner, ministre de l'Intérieur" (French only), at: https://rsf.org/sites/default/files/preconisations_de_rsf.pdf, accessed 27 February 2020.

the Paris Prosecutor. France also faced criticism from the Council of Europe's Commissioner for Human Rights[102] and several UN bodies.[103]

▬▬ Under French law, complaints against members of law enforcement are first investigated by the *IGPN* or the gendarmerie's general inspectorate (*IGGN*), delaying the possible prosecution of many physical attacks. French journalists have complained that this additional step creates the conditions for impunity because it raises suspicions that the authorities might tolerate misconduct and ill-treatment.

▬▬ Reporter David Dufresne has systematically documented physical attacks on 90 journalists by law-enforcement officials in 2019, mostly during street protests.[104] He established that 20 media workers were injured in the upper body, 18 in the lower body or legs, and 14 in the head. 26 journalists were beaten, 24 were hit by defensive ball launcher shots, 15 were injured by sting-ball grenades and two were struck by explosive tear gas grenades. An alert[105] was posted on the Platform after Dufresne was blacklisted by members of a police union as an "enemy of the police".

▬▬ On 15 January 2020, President Macron denounced the excessive use of force by police as unacceptable and asked for "clear proposals to improve the ethics" of law enforcement. On 22 January 2020 the European Centre for Press and Media Freedom, SNJ-CGT, the European Federation of Journalists and the European Confederation of Police Officers launched the Press Freedom Police Codex[106] in Paris. The Codex is based on good practices and is being used as a basis for a dialogue with the Ministry of the Interior with the aim of enabling journalists to carry out their work safely.

102 Council of Europe Commissioner for Human Rights (2019), "Memorandum on maintaining public order and freedom of assembly in the context of the 'Yellow Vests' movement in France", ComDH(2019)8, at: https://rm.coe.int/commdh-2019-8-memorandum-france-en/1680932f57, accessed 27 February 2020.

103 UN Working Group on arbitrary detention/UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression/UN Special Rapporteur on the rights to freedom of peaceful assembly and of association/UN Special Rapporteur on the situation of human rights defenders (2019), untitled letter (French only), at: https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=24320, accessed 27 February 2020.

104 Dufresne, D. (2019), "Allô Place Beauvau?" (French only), at : https://alloplacebeauvau.mediapart.fr/presse, accessed 27 February 2020.

105 Alert "A French police union releases a list of journalists described as enemies", posted 9 December 2019.

106 European Centre for Press and Media Freedom (2019), Press Freedom Police Codex, at: www.ecpmf.eu/files/police_codex_mail.pdf, accessed 27 February 2020.

Hungary and Poland

Two types of threats have been recorded in particular: the conversion of the public service broadcasters into state media or state capture of the private sector, and harassment targeting journalists or other media actors.

▬▬ Despite some disparities, the overall media freedom situation in the two countries, both part of Central European Visegrád region, is a source of long-standing concern. Hungary has 10 active alerts on the Platform, with two new alerts in 2019, while Poland received nine alerts on media freedom threats, including two in 2019. Two types of threats have been recorded in particular: the conversion of the public service broadcasters into state media or state capture of the private sector, and harassment targeting journalists or other media actors. Both trends have had a deep impact on the plurality and freedom of expression in the two countries.

▬▬ A press freedom mission to Hungary carried out in November 2019 by seven partner organisations found that since 2010 the government has systematically dismantled media independence, freedom and pluralism, achieving a degree of media control unprecedented in a member state of the European Union.[107]

▬▬ The Hungarian Government has pursued a determined strategy of market manipulation and media capture, engineering the forced closure or effective government takeover of independent media and assembling a vast pro-government media empire sharing the same editorial line and sharing source materials from the same limited pool of news sources. At the same time, it has mobilised massive state resources, including state advertising, to marginalise remaining independent outlets. Due to the government's hegemonic position in the media market, it has successfully isolated large parts of the population from access to critical and independent sources of news and information.

▬▬ The mission report noted that independent journalists in Hungary are subject to pervasive discrimination by the state, being denied access to information of public interest, excluded from official events and prevented or actively hindered from communicating with public officials. Earlier this year, as reported to the Platform, the Hungarian Parliament tightened restrictions on

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107 International Press Institute (2019) "Hungary dismantles media freedom and pluralism", at: https://ipi.media/new-report-hungary-dismantles-media-freedom-and-pluralism/, accessed 27 February 2020.

journalists' freedom of movement inside the building.[108] Independent journalists have also been regularly targeted in smear campaigns attacking them as political activists, "Hungary haters", foreign agents or traitors. In November, two journalists with the online news outlet *Index.hu* were targeted in a vicious anti-Semitic smear campaign.[109] Notably, the campaign was given prominence by the country's nominally public service broadcaster, which is now effectively a state broadcaster transmitting the government line only.

▬▬▬ Actions carried out by the Polish authorities in recent years, including a reshaping of the public broadcaster into a pro-government broadcaster, have much in common with the Hungarian model. But alerts on Poland also indicate the specific methods that the Polish Government and ruling Law and Justice party have used to pressure and constrain independent media. Polish politicians regularly use libel laws to threaten and harass critical journalists. Jaroslaw Kaczyński, the leader of the Law and Justice party, initiated a criminal libel charge against *Gazeta Wyborcza*, a leading daily, for publishing reports about his reported criminal involvement in the construction of a skyscraper in Warsaw.[110] This alert is an example of the widespread legal harassment of the media in Poland: *Gazeta Wyborcza* alone reported that 50 criminal and civil cases have been brought against it by various state or state-controlled institutions.

▬▬▬ Kaczyński's case against *Gazeta Wyborcza* was brought under Article 212 of the Polish Criminal Code, a provision allowing prison sentences for libel. It was used in 2019 to sentence Anna Wilk, a journalist in western Poland, to a criminal fine and to ban her from practising journalism for three years; the case was brought by an electrical appliance company over a story about the suicide of an employee.[111]

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108 Alert "New restrictions on journalists working in Hungarian Parliament", posted 25 October 2019.
109 Alert "Anti-semitic posters stigmatising Hungarian journalists", posted 27 November 2019.
110 Alert "Polish party leader initiates libel charge against critical newspaper", posted 25 February 2019.
111 Alert "A Polish court bans reporter Anna Wilk for three years from journalism in criminal libel suit", posted 6 June 2019.

Zlatkovsky (Russian Federation) / Cartooning for Peace

Malta

▬▬ Malta, where Daphne Caruana Galizia, the country's most prominent investigative journalist, was assassinated in October 2017, remained a country of exceptional concern for press freedom. Three further alerts were submitted in 2019. In June 2019, the PACE Committee on Legal Affairs and Human Rights noted "a series of fundamental weaknesses in Malta's system of checks and balances… seriously undermining the rule of law" in the country.[112]

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112   PACE, Committee on Legal Affairs and Human Rights, Report 14906 (2019), "Daphne Caruana Galizia's assassination and the rule of law in Malta and beyond: ensuring that the whole truth emerges", at: http://assembly.coe.int/nw/xml/XRef/Xref-DocDetails-EN. asp?FileID=27724&lang=EN, accessed 27 February 2020

In October 2019, two years after the murder, the alert on the assassination of Caruana Galizia was transferred to the category of impunity after the partner organisations determined that there had been a clear failure after that time to make the necessary progress in the investigation.

Important developments in the criminal investigation into the assassination ensued in November and December 2019. On 14 November Melvin Theuma, an alleged middleman in the assassination plot, was detained and granted immunity from prosecution on the advice of the Prime Minister in exchange for testimony to assist the prosecution's case against another suspect. On 20 November 2019, Maltese police arrested businessman Yorgen Fenech. He was charged as the organiser and financier of the assassination.[113] Fenech's arrest in turn led to the resignation of the tourism minister and former energy minister Konrad Mizzi and Prime Minister Muscat's chief of staff, Keith Schembri[114], over his alleged role in the assassination. In December 2019 the Prime Minister resigned.

Platform partners and media freedom organisations have repeatedly called for a repeal of laws allowing the posthumous pursuit of defamation cases.

On 10 December 2019, an update to a 2017 alert was filed concerning the outstanding libel suits brought against Daphne Caruana Galizia before her death. It noted that on 6 December, Keith Schembri withdrew the two libel suits he had filed against her over her articles about his Panama company.[115] Businessman Yorgen Fenech, who was charged over his alleged role in the murder of Caruana Galizia, stated in court that Schembri had kept him regularly updated about the state of the investigation, beginning in the first week after Caruana Galizia's assassination. The libel suit filed against Caruana Galizia by Prime Minister Muscat over her story that his wife owns the Panama company Egrant Inc. was adjourned at his request until March 2020.

Platform partners and media freedom organisations have repeatedly called for a repeal of laws allowing the posthumous pursuit of defamation cases. It is unacceptable that over 30 posthumous civil defamation proceedings against Daphne Caruana Galizia's family are still under way.

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113   The charges identify Fenech as the mastermind. However, Fenech implicated Schembri during interrogation by the police and Schembri is currently under investigation.
114   Daphne Caruana Galizia reported on the companies and trusts which Mizzi and Schembri allegedly set up in Panama and New Zealand.
115   Alert "Malta Economy Minister issues four libel suits and warrants against Daphne Caruana Galizia", updated 10 December 2019.

■■■ A public inquiry – long advocated by the partners of the Platform – into the circumstances around the assassination of Daphne Caruana Galizia was finally established in December 2019. This followed a June 2019 PACE resolution demanding the setting up of an independent public inquiry into the circumstances surrounding her murder within three months, and lengthy negotiations concerning the terms of inquiry and composition of the inquiry board. The inquiry was tasked with addressing key questions including whether the state knew or ought to have known of the risk to Daphne Caruana Galizia's life; whether the state failed to take necessary measures to protect her life; and whether the state is complicit in her murder. The public inquiry is also to report on what measures the state should take to fulfil its obligations to protect journalists whose lives are at risk from criminal acts. The inquiry is due to continue for at least 9 months.

■■■ On the night of 29 November, following a press conference by former Prime Minister Joseph Muscat concerning developments related to the assassination, a group of Maltese journalists including Daphne Caruana Galizia's son Paul were locked inside the office of the Prime Minister. No explanation was provided by those responsible: a group of men who claimed to be security guards but were not officially identified and not in uniform.[116] The Government of Malta, in its reply, stated that "no journalists were locked anywhere following a press conference".[117] Footage of the incident contradicts this assertion.[118]

■■■ In January 2019 the independent Maltese online news platform *The Shift*[119] experienced a Distributed Denial of Service (DDoS) attack. The attack followed the publication of a series of investigative stories on a controversial hospital deal concerning Vitals Global Healthcare. Such DDoS attacks are designed to take sites and servers offline at critical times.

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116   Alert "Journalists locked inside the office of the Maltese PM following a press conference" posted 29 November 2019.
117   Government of Malta response, posted on 6 December 2019.
118   Lovin Malta (2019) "Journalists locked inside Castille by 'security guards'" Video footage available at https://lovinmalta.com/news/watch-journalists-locked-inside-castille-by-security-guards-following-joseph-muscats-press-conference/, accessed 27 February 2020.
119   Alert "Cyber-attack against Maltese online news platform", posted 16 January 2019.

Russian Federation

17 alerts concerning the Russian Federation were submitted to the Platform in 2019; the Russian authorities have not responded to any of them.

▬▬▬ The partner organisations renew their encouragement to the Russian Federation to engage actively with the Platform and respond to alerts.

▬▬▬ Independent journalists and bloggers continued to be harassed and intimidated in Russian Federation in 2019, through prosecutions, physical attacks or threats. Other chilling effects on media freedom included attempts to limit access to information both online and offline, and the introduction of several restrictive laws.

▬▬▬ Ivan Golunov, an investigative journalist with the online website *Meduza,* was detained by police on an unfounded suspicion of drug dealing.[120] Rashid Maysigov, a reporter for the investigative news website *Fortanga*, was detained by the local Federal Security Service and tortured in a bid to force a confession to possessing drugs.[121] Svetlana Prokopyeva, a Pskov-based freelance stringer for *Radio Svoboda* (*Radio Free Europe/Radio Liberty*) and commentator for *Radio Echo* of Moscow, was charged with 'justifying terrorism' following comments she made on a radio show in November 2018.[122] Charges for drug-related crimes as well as alleged terrorism and extremism offences feature in six of the 17 alerts logged on the Platform. In several cases, drug-related charges were a pretext to restrict the activities of journalists.

▬▬▬ In an attempt to limit access to information of significant public interest, the Russian authorities continued to forcibly disperse peaceful protests, and sought to censor reporting by journalists, bloggers and media outlets of public assemblies, including large street protests in support of free and fair elections in Moscow in July and August.[123]

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120 Alert "Investigative journalist Ivan Golunov, known for his investigations into political corruption, arrested for 'selling drugs'", posted 22 November 2019.
121 Alert "Ingushetia Court orders two months pre-trial detention for journalist Rashid Maysigov", posted 16 July 2019.
122 Alert "Russia investigates reporter Svetlana Prokopyeva, seizes property over allegations of 'justifying terrorism'", posted 13 February 2019.
123 Alerts "Journalists beaten and detained at protests in Moscow", posted 28 July 2019, "Roskomnadzor requests the take-down of information about Moscow protests", posted 14 August 2019.

▬▬▬ Three alerts pertain to newly adopted legislation that imposed excessive restrictions on freedom of expression and further undermined media freedom in the Russian Federation.[124]

▬▬▬ In March, President Putin signed into law two bills criminalising "insult" of the state and the dissemination of "fake news". In August, Mikhail Romanov, a correspondent with the weekly *Yakutsk Vecherniy*, was found guilty of "abuse of freedom of information by publishing fake news that poses a threat to the public" and fined 30,000 rubles (approximately €408.15). His fine was cancelled on appeal in December 2019, over "lack of sufficient evidence".[125]

▬▬▬ The bill on "internet sovereignty", signed into law by President Putin in May,[126] increases the government's control over information by enabling the Russian internet to operate independently from the outside world. Another bill, signed into law in December, expanded the status of "foreign agents" to private persons including bloggers and journalists. Sanctions for non-compliance include fines of up to 500,000 rubles (approximately €7,000) or imprisonment of up to two years.[127]

Serbia

The number of attacks on media, including death threats, is on the rise, and inflammatory rhetoric often comes from public officials

▬▬▬ As of 31 December 2019, there were 21 active alerts on Serbia, with six new alerts submitted in 2019. Serbia replied to four of them. There are two active cases of impunity for murder; the number of attacks on media, including death threats, is on the rise, and inflammatory rhetoric often comes from public officials.

▬▬▬ One of the most severe cases of intimidation took place in February when the private TV station *N1* received a letter threatening to kill its journalists and their families and to blow up the office.[128] The prosecutor's office arrested a

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124 Alerts "'Sovereign Internet Bill' adopted, posted 2 May 2019; "Russia: President Putin signs into law Russia's 'fake news' and 'Internet insults' ban", posted 23 April 2019; "Russian draft legislation would ban distribution of foreign print media without Government permission", posted 19 April 2019.

125 Alert "Russian Journalist Mikhail Romanov found guilty of 'abuse of freedom of information' and 'fake news'", posted 12 August 2019.

126 Alert "'Sovereign Internet bill' adopted", posted 30 April 2019.

127 Alert "Duma Committee approves legislation to label individual journalists 'foreign agents'", posted 6 July 2018.

128 Alert "*N1* TV journalists subjected to death threats", posted 14 February 2019.

70-year-old man from the town of Nova Pazova who was sentenced to eight months in prison.

▬▬▬ In July 2019 Zana Cimili, a Kosovo[129] correspondent for the TV broadcaster *N1*, received death threats through social networks, including threats against her daughter. On 6 July, *N1* reported that a Serbian national was arrested in connection with the case for "spreading religious and national hatred and imperilling safety". The Ministry of the Interior informed the Platform that the perpetrator was identified, and a criminal case was opened. A court placed the suspect under house arrest and banned him from using the internet.

▬▬▬ In March about 100 anti-government protesters stormed the building of the Serbian national broadcaster RTS in Belgrade, demanding to be allowed to make a public address on the air,[130] and were forcefully expelled by the police. According to the Association of Journalists of Serbia, some RTS staff were jostled and threatened by protesters. The Ministry of Culture and Information condemned the action and the Ministry of the Interior later replied to the alert, stating that a few intruders had been charged, prosecuted and sentenced.

▬▬▬ In August 2019 a *N1* crew and reporter of Bosnia and Herzegovina's TV channel *Federalna*, Dejan Kožul, were threatened while reporting ahead of a Champions League football game in Belgrade.[131] While *N1* journalists were recording interviews, a group of people shouted "spies", "thieves" and "American mercenaries" at the journalists and tried to break their camera and microphone.

▬▬▬ On 18 September Aleksandar Obradović,[132] working at the state-owned Krušic armaments factory in Valjevo was detained. He was the whistle-blower exposing that the private company GIM was given privileged treatment in an arms deal, at the expense of Krušic and other state arms producers. A criminal investigation was opened on charges of disclosing business secrets and in September 2019, the High Court in Belgrade ordered Obradović's house arrest. He was later released but the investigation is ongoing.

▬▬▬ In November 2019, Serbian journalist Miodrag Sovilj was the target of verbal attacks by officials and pro-government media.[133] The journalist had publicly confronted Serbia's President Vučić with allegations of government corruption. After the president had been hospitalised for health reasons, his

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129   All references to Kosovo, whether the territory, institutions or population, in this text shall be understood in full compliance with United Nations' Security Council Resolution 1244 and without prejudice to the status of Kosovo.
130   Alert "Public TV building stormed by anti-government protesters", posted 19 March 2019.
131   Alert "Journalists physically and verbally attacked at Marakana stadium", posted 30 August 2019.
132   Alert "Whistleblower Aleksandar Obradović under house arrest", posted 21 November 2019.
133   Alert "Journalist Miodrag Sovilj targeted by smear campaign after interviewing President Vučić", posted 28 November 2019.

associates and pro-government media launched a campaign of smears, threats and intimidation against Sovilj, accusing him of worsening the president's health.

▬▬ After more than 25 years, impunity still prevails over the murder in 1994 of the Serbian journalist Radislava "Dada" Vujasinović,[134] who was shot dead in Belgrade. Despite the setting up in 2013 of a commission of enquiry to investigate a number of long-unsolved journalist killings, no progress has been reported in the case. The Ministry of the Interior declared it would renew its investigation according to the orders of the prosecutor's office in April 2019.

▬▬ In a welcome development, in April 2019 a Belgrade court convicted four former Serbian state security officers, including the former head of the Serbian State Security and the former head of the Belgrade branch of the secret police, for the 1999 murder of journalist and editor Slavko Ćuruvija. Ćuruvija was an outspoken critic of then Yugoslav President Milošević.

Turkey

▬▬ As of 31 December 2019, there were 103 active alerts and 24 resolved alerts on Turkey. These include 91 journalists in detention and four impunity cases for murdered journalists. 18 new alerts were submitted in 2019. Turkey has not responded to any of the 2019 alerts.

▬▬ The 2019 alerts included incidents of violent attacks on journalists, the expulsions of four foreign correspondents, arbitrary arrests during attempts to report on demonstrations in southeastern Turkey and criminal investigations for criticism of Turkey's incursion into northern Syria.

▬▬ Significant developments took place in some of the most prominent cases, often illustrating the arbitrariness and political interference that characterises the Turkish justice system. In September, the Supreme Court of Cassation vacated the convictions of 13 former *Cumhuriyet* journalists convicted in April 2018 of terrorism charges. The case was returned to a lower court, which largely ignored the Supreme Court's ruling and acquitted only one of the defendants. Previously, in May, the Turkish Constitutional Court delivered contradictory rulings in which it found that the authorities had violated the constitutional rights of only some of the *Cumhuriyet* defendants despite the identical nature of these cases.

▬▬ In July, the Supreme Court also overturned the convictions of journalists and writers Ahmet Altan, Nazlı Ilıcak and Mehmet Altan on charges of

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134   Alert "Impunity in the Case of the Murder of Dada Vujasinovic", posted 28 April 2015.

attempting to overthrow the constitutional order. In November, all three were retried on lesser charges of assisting a terrorist organisation. Ahmet Altan was sentenced to ten-and-a-half years and Nazlı Ilıcak to eight years and nine months. Mehmet Altan was acquitted. Ahmet Altan and Nazlı Ilıcak were subsequently released for the first time in over three years. Within a week, however, Ahmet Altan was re-arrested after the public prosecutor successfully argued that he was a flight risk despite an existing travel ban against him.

▬▬ Judgments in the cases of about 10 journalists remained pending at the European Court at the time of writing. Idris Sayılğan, a Kurdish journalist who was held in pre-trial detention for over two years before being sentenced to eight years and three months in prison on charges of membership in a terrorist organisation, was released without advance notice on 27 November. The Court is due to rule on whether Sayılğan was afforded domestic remedy after the Turkish Constitutional Court had failed to take up his case since July 2018.

2019 saw a significant effort by the Turkish government to convince international partners that it is engaging in serious reforms of the judicial system.

▬▬ Journalists in Turkey continue to suffer violations of the rule of law and their right to a fair trial, including insufficient evidence to justify arrest and detention, limits on access to defence lawyers, restrictions on appearing personally in court and extensive pre-trial detention in violation of European Court jurisprudence.

▬▬ 2019 saw a significant effort by the Turkish government to convince international partners that it is engaging in serious reforms of the judicial system. Some elements of a "judicial reform package" have brought relief to some journalists, in particular the lifting of a ban on journalists sentenced to less than five years from appealing to the Supreme Court, a change that has led to the release of a number of defendants pending appeal. However, the package largely fails to address the most significant demands made of Turkey by institutions such as the Venice Commission, including ensuring that journalists are not subject to anti-terror charges based on their writing and that the authorities demonstrate "relevant and sufficient" reasons for the detention of journalists.[135]

▬▬ Meanwhile, the powers of the Radio and Television High Council (RTÜK) have been extended to online broadcasters, which are now required to apply

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135   Council of Europe Venice Commission (2017), "Turkey – Opinion on the Measures provided in the recent Emergency Decree Laws with respect to Freedom of the Media", adopted at its 110th Plenary Session.

for expensive licenses. The lack of clarity on what is deemed an "online broad-caster" means that RTÜK could potentially begin to police critical social media.

▬▬ The readiness of the authorities to regulate critical speech and information online was brought into sharp focus in October when, within 48 hours of the launch of the military actions in northern Syria, over 120 investigations had been launched against social media users, including journalists, on terrorist propaganda grounds for publicly criticising the military intervention. This followed a RTÜK statement warning radio and TV broadcasters "including online media" to be mindful of their reporting, which if determined to contain "anti-operation propaganda sourced by terrorist organisations" would not be tolerated.

▬▬ Although the number of jailed journalists in Turkey according to Platform figures declined from 110 to 91 in 2019, Turkey remains a highly repressive environment for the press. Turkish authorities and courts continue to treat critical journalism as criminal terrorist activity. This pattern can effectively not be challenged until the politicisation of the courts is ended. The partner organisations call with the utmost urgency for the necessary amendment or repeal of the country's anti-terror legislation and for secure safeguards for the independence of the judiciary. European governments, the Council of Europe and the EU are urged to give the highest priority to the task of assisting the Turkish authorities to undo the systematic violation of democratic norms and to restore press freedom and the rule of law.

Ukraine

A worrying number of cases of violence against journalists in Ukraine leading to injuries were reported in 2019.

▬▬ As of end of 2019 there were 10 active alerts on Ukraine, not including the regions of Crimea and Donbass which are outside the Ukrainian government's control. 11 alerts were submitted to the Platform in 2019. Ukraine has responded to all but one alert.

▬▬ In 2019, presidential and parliamentary elections took place in Ukraine. According to the OSCE, private media outlets showed clear biases toward certain candidates in both the presidential and parliamentary elections.[136]

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136   OSCE Office for Democratic Instituitons and Human Rights (2019), "Election observation mission: final report", at: www.osce.org/odihr/elections/ukraine/439634?download=true, accessed 28 February 2020.

▬▬▬ In several instances, politicians and public figures were behind the attacks. On 20 June 2019, investigative reporter Vadym Komarov died from injuries following a vicious attack that left him in a coma. The attack came the day after he announced he would publish material showing that two city council-lors were involved in extortion. In their reply to the Platform, the Ukrainian authorities said that "all investigative measures" were being taken to identify the perpetrators, but no suspects have been identified to date.[137] There was also a rise in the number of physical attacks against women journalists: accord-ing to the National Union of Journalists, as many as 28 women were victims of physical attacks in the first 10 months of 2019.

▬▬▬ None of those responsible for the deaths of the eight journalists killed in Ukraine since 1992 have so far been brought to justice.[138] The Partner organisa-tions await progress following the announcement of the arrest of five suspects in relation to the 2016 killing of Pavel Sheremet.

▬▬▬ Of the 10 alerts filed on Ukraine in 2019, at least four related to incidents reportedly perpetrated by far-right extremist groups. In June and July, four suspects – at least one of whom is reported to have links to far-right extrem-ism – were identified in the investigation into the life-threatening attack on Vadim Makaryuk.[139] The suspects were placed under house arrest until mid-September, at which point their periods of detention ended. On 15 September, one of the suspects was pictured chatting and drinking coffee with police officers in Kharkiv.[140]

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137   Reply to Platform alert, "Ukrainian Journalist in coma following assault", posted 9 May 2019.
138   Committee to Protect Journalists (2020), "Killed since 1992" database, at: https://cpj.org/data/killed/, accessed 28 February 2020.
139   Institute of Mass Information (2019), "Court extended home arrest for suspected assaulter of Kharkiv cameraman Vadym Makaryuk", at: https://imi.org.ua/en/news/court-extended-home-arrest-for-suspected-assaulter-of-kharkiv-cameraman-vadym-makaryuk-i29270, accessed 28 February 2020.
140   Юрій Ларін (2019), Photo, at: www.facebook.com/photo.php?fbid=1207275409464386&set=a.399587226899879&type=3&theater, accessed 28 February 2020.

Crimea and eastern Ukraine[141]

The fact that comparatively few alerts were recorded last year in Crimea does not indicate any lessening of the stifling of media freedom in the region, but rather the difficulty in verifying information in the area.

▬▬ Two new alerts that relate specifically to threats to media freedom in Crimea were posted to the Platform in 2019. They concern four cases of ethnic Crimean Tatar journalists who were arrested on terrorism-related charges. Both alerts were filed under Ukraine. However, given that the Ukrainian authorities have no effective control over the territory, the partner organisations saw it necessary to highlight separately the conditions for independent media outlets working in territory de facto controlled by the Russian Federation.

▬▬ The fact that comparatively few alerts were recorded last year in Crimea does not indicate any lessening of the stifling of media freedom in the region, but rather the difficulty in verifying information in the area.

▬▬ The four detained journalists are Nariman Memedeminov, Osman Arifmemetov, Remzi Bekirov and Rustem Sheikhaliev. Memedeminov, known as the founding father of civic journalism in Crimea, was detained in March 2018, but the partner organisations were not aware of his case until October 2019 when a military court in the Russian city of Rostov-on-Don sentenced the journalist to two years and six months in prison.[142] Osman Arifmemetov, Remzi Bekirov and Rustem Sheikhaliev have been awaiting trial since their arrest on 27 March 2019.[143]

▬▬ The four journalists reported on human rights violations by Russian authorities in Crimea and on Crimea's indigenous Crimean Tatar population.[144] The Russian authorities have prosecuted them for their alleged links to "Hizb ut-Tahrir", an Islamist group that operates legally in Ukraine but is considered a terrorist organisation in the Russian Federation. Arifmemetov, Bekirov and Sheikhaliev face prison terms of up to 20 years if convicted.

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141 Areas in Luhansk and Donetsk regions, not controlled by the Ukrainian government.
142 Alert "Crimean Tatar journalist Nariman Memedeminov sentenced to 2.5 years on terrorism charges", posted 20 December 2019.
143 Alert "Crimean Tatar journalists Osman Arifmemetov, Remzi Bekirov and Rustem Sheikhaliev detained by Russian authorities", posted 20 December 2019.
144 Committee to Protect Journalists (2019), "Annual report on imprisoned journalists", at: https://cpj.org/reports/2019/12/journalists-jailed-china-turkey-saudi-arabia-egypt.php, accessed 28 February 2020.

▬▬ Following the Russian Federation's 2014 annexation of Crimea, the authorities passed a law requiring media outlets to register with the media regulator Roskomnadzor, imposing severe penalties for those continuing to broadcast without registration. Most Crimean Tatar-language media outlets were not given licenses despite submitting multiple applications. The number of media outlets in Crimea has shrunk by more than 90% since the annexation, and Russian authorities have restricted access to Ukrainian TV and other media outlets.[145]

▬▬ The Russian-backed separatists in eastern Ukraine also maintained harsh controls over free speech. In August 2019, members of the self-proclaimed Donetsk People's Republic handed the Ukrainian journalist Stanyslav Aseev, detained since June 2017,[146] a prison sentence of 15 years after finding him guilty of "espionage, extremism, and public calls to violate the territory's integrity".[147]

▬▬ The Ukrainian authorities condemned Aseev's detention.[148] On 29 December 2019, Aseev was released as part of a prisoner exchange between Ukraine and the Russian Federation.[149]

145   Committee to Protect Journalists (2015) "Russian media regulator denies registration to Crimean news outlets", at: https://cpj.org/2015/03/russian-media-regulator-denies-registration-to-cri.php, accessed 28 February 2020.
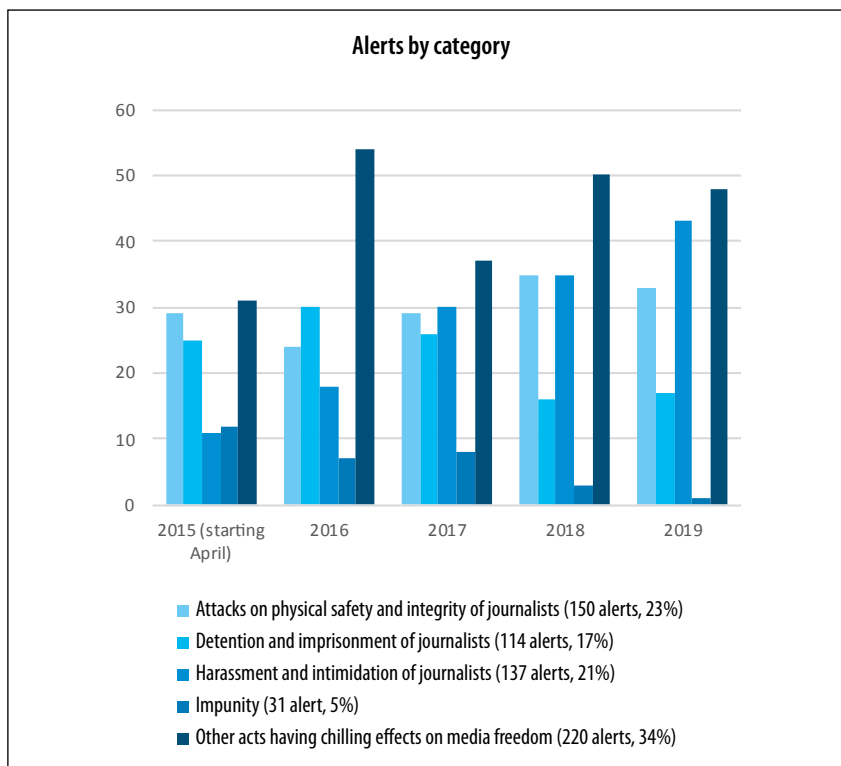146   Alert "Ukrainian journalist Stanyslav Aseev missing in Donbass", posted 22 June 2017.
147   Committee to Protect Journalists (2019) "Donetsk militants announce 15-year 'sentence' for Ukrainian journalist Stanyslav Aseyev", at: https://cpj.org/2019/10/donetsk-militants-announce-15-year-sentence-for-uk.php, accessed 28 February 2020.
148   Reply of the Ukrainian government to the alert condemning the journalist's detention, posted 16 August 2017.
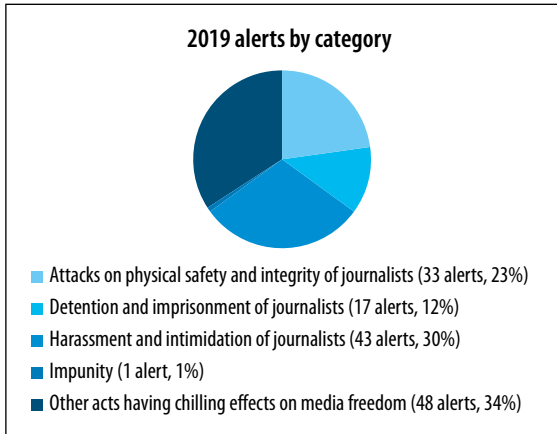149   Alert updated 30 December 2019. Marked as "resolved" 6 January 2020.

Statistical breakdown

2015-2019 trends

Alerts by category

Legend:
- Attacks on physical safety and integrity of journalists (150 alerts, 23%)
- Detention and imprisonment of journalists (114 alerts, 17%)
- Harassment and intimidation of journalists (137 alerts, 21%)
- Impunity (31 alert, 5%)
- Other acts having chilling effects on media freedom (220 alerts, 34%)

2019 data

2019 alerts by category

- Attacks on physical safety and integrity of journalists (33 alerts, 23%)
- Detention and imprisonment of journalists (17 alerts, 12%)
- Harassment and intimidation of journalists (43 alerts, 30%)
- Impunity (1 alert, 1%)
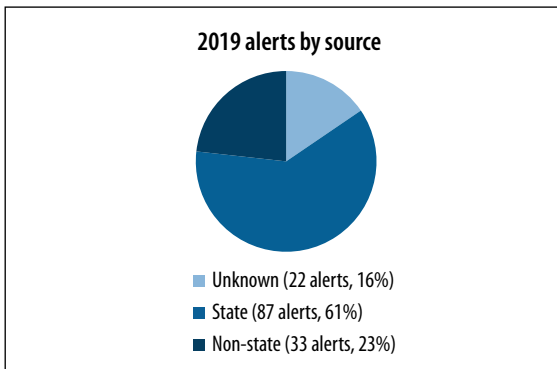- Other acts having chilling effects on media freedom (48 alerts, 34%)

Category

33 (23%) out of 142 alerts were under the category of attacks on physical safety and integrity of journalists, 17 (12%) under detention and imprisonment, 43 (30%) under harassment and intimidation, 1 (1%) under impunity, and 48 (34%) under other acts having chilling effects on media freedom. While stable overall in relation to 2018, rates increased with regard to harassment and intimidation.

2019 alerts by level

- Level 1 (60 alerts, 42%)
- Level 2 (82 alerts, 58%)
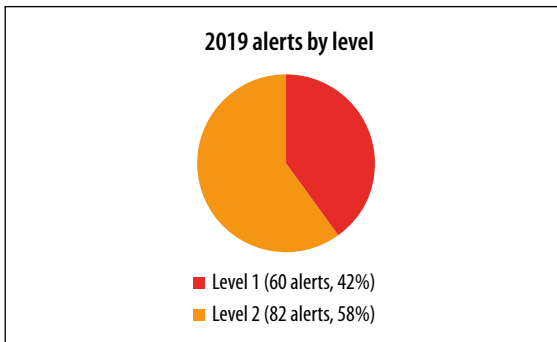
Level

60 (42%) out of 142 alerts are of level 1, which covers the most severe threats to media freedom. This is stable in relation to 2018.

2019 alerts by source

- Unknown (22 alerts, 16%)
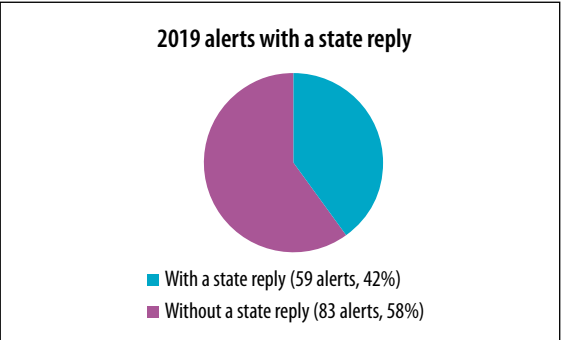- State (87 alerts, 61%)
- Non-state (33 alerts, 23%)

Source

The state is the source of the threat in 87 (61%) out of 142 alerts. Of the remaining threats, 33 (23%) originate from a non-state actor, and 22 (16%) of them from an unknown source. These figures are stable in relation to 2018.

2019 alerts by status

- Resolved (9 alerts, 6%)
- Active (133 alerts, 94%)
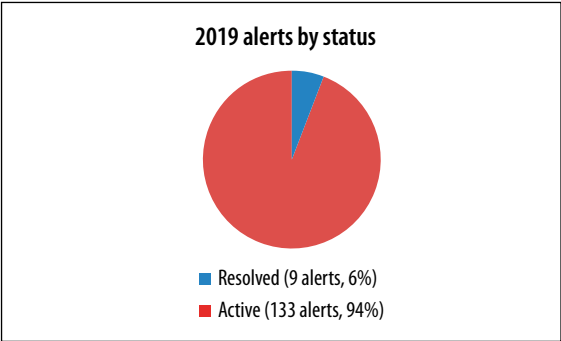
Status

Only 9 (6%) out of 142 alerts were termed "resolved". In addition, 3 alerts from 2015, 7 from 2016, 5 from 2017 and 13 from 2018 were considered "resolved", bringing the total number of alerts closed in 2019 up to 37. This represents a further decrease from 2018.

2019 alerts with a state reply

- With a state reply (59 alerts, 42%)
- Without a state reply (83 alerts, 58%)

State replies

At 42%, the 2019 response rate remained low in relation to 2015, when 68% of the alerts received a reply from state authorities. This figure dropped to 33% in 2016 and down to 26% in 2017, before increasing to 39% in 2018.

This publication presents the annual assessment of threats to media freedom in the Council of Europe's member states in 2019, by the partner organisations to the Safety of Journalists Platform.

The Platform was set up by the Council of Europe in 2015, in co-operation with prominent international NGOs active in the field of the freedom of expression and associations of journalists, to facilitate the collection and dissemination of information on serious threats to media freedom and safety of journalists in the Council of Europe's member states. The Platform enables the Council of Europe to be alerted in a timely and systematic way to these threats and to take co-ordinated and prompt action when necessary. Its objective is to improve the protection of journalists, better address threats and violence against media professionals and enhance the response capacity within the Council of Europe.

ENG

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The Council of Europe is the continent's leading human rights organisation. It comprises 47 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.

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