



European
University
Institute

ROBERT
SCHUMAN
CENTRE FOR
ADVANCED
STUDIES

WORKING PAPERS

RSC 2021/43

Robert Schuman Centre for Advanced Studies
Centre for Media Pluralism and Media Freedom

Safety of journalists in Europe:
Threats and best practices to tackle them

Edited by Mária Žuffová and Roberta Carlini

European University Institute

Robert Schuman Centre for Advanced Studies

Centre for Media Pluralism and Media Freedom

**Safety of journalists in Europe:
Threats and best practices to tackle them**

Edited by Mária Žuffová and Roberta Carlini

EUI Working Paper **RSC** 2021/43

Terms of access and reuse for this work are governed by the Creative Commons Attribution 4.0 (CC-BY 4.0) International license. If cited or quoted, reference should be made to the full name of the author(s), editor(s), the title, the working paper series and number, the year and the publisher.

ISSN 1028-3625

© Edited by Mária Žuffová and Roberta Carlini, 2021

This work is licensed under a Creative Commons Attribution 4.0 (CC-BY 4.0) International license.
<https://creativecommons.org/licenses/by/4.0/>

Published in March 2021 by the European University Institute.
Badia Fiesolana, via dei Roccettini 9
I – 50014 San Domenico di Fiesole (FI)
Italy

Views expressed in this publication reflect the opinion of individual author(s) and not those of the European University Institute.

This publication is available in Open Access in Cadmus, the EUI Research Repository:
<https://cadmus.eui.eu>

Robert Schuman Centre for Advanced Studies

The Robert Schuman Centre for Advanced Studies, created in 1992 and currently directed by Professor Brigid Laffan, aims to develop inter-disciplinary and comparative research on the major issues facing the process of European integration, European societies and Europe's place in 21st century global politics.

The Centre is home to a large post-doctoral programme and hosts major research programmes, projects and data sets, in addition to a range of working groups and *ad hoc* initiatives. The research agenda is organised around a set of core themes and is continuously evolving, reflecting the changing agenda of European integration, the expanding membership of the European Union, developments in Europe's neighbourhood and the wider world.

For more information: <http://eui.eu/rscas>

The EUI and the RSC are not responsible for the opinion expressed by the author(s).

Centre for Media Pluralism and Media Freedom (CMPF) Working Paper Series on 'Freedom and Pluralism of the Media, Society and Markets' benefits from contributions from the CMPF's fellows as well as from leading scholars and experienced practitioners interested in and focused on the subject matter. The Working Papers Series aims at assessing theoretical issues, specific policies, and regulatory questions.

The Centre for Media Pluralism and Media Freedom is co-financed by the European Union. This initiative is a further step in the European Commission's on-going effort to improve the protection of media pluralism and media freedom in Europe and to establish what actions need to be taken at European or national levels to foster these objectives.

The aim of the EUI Centre for Media Pluralism and Media Freedom is to enhance the awareness of the importance of freedom and pluralism of the media, to contribute to its protection and promotion and to develop new ideas among academics, policy makers, regulators, market stakeholders, journalists, and all other directly involved professionals who take part in the public debate.

Abstract

Journalists around the world face immense threats for doing their job. Although compared to other regions, the situation in Europe is considerably better; many challenges need to be addressed here as well to ensure conducive conditions for the conduct of journalistic work. The present working paper identifies the main issues that prevent journalists from doing their job freely and safely, in particular, physical attacks, online hate speech, surveillance, smear campaigns, strategic lawsuits against public participation (SLAPPs), insufficient protection of journalistic sources and whistle-blowers, impunity and precarious economic conditions. It discusses the impact of these issues on journalists, but also their repercussions for media freedom and pluralism more broadly. By providing a snapshot of the situation in Europe and more detailed country case studies (Austria, France, Germany), the working paper aids our understanding of the scope and nature of the most pressing problems. It also collects evidence-based best practices and policies from the newsrooms and the state, which could help to formulate further recommendations for key stakeholders.

Keywords

Safety of journalists, online hate speech, surveillance, gender equality, smear campaigns, SLAPPs, impunity, whistle-blowers' protection, economic conditions of journalism.

Table of Contents

<i>Introduction</i>	
Safety of journalists in Europe, Mária Žuffová and Roberta Carlini	1
Safety of journalists in Austria, Josef Seethaler	23
Safety of journalists in France, Jedediah Sklower and Franck Rebillard.....	31
Safety of journalists in Germany, Bernd Holznagel and Jan Christopher Kalbhenn	43

Introduction

The Committee to Protect Journalists documented 1387 killings of journalists since 1992, 713 out of which were unsolved with perpetrators enjoying complete impunity. Although only 2% of these murders occurred in the EU, member countries are not immune to the threats to independent journalism and media freedom. While the risk to journalists' life or physical integrity is high in only a few EU member countries, the media has to cope with hostility from the state and non-state actors, and journalists are often victims of coordinated smear campaigns in many EU countries. The innovations in information and communication technologies have also brought new perils. Surveillance is now easier than ever. The launch of online news comments sections and social media platforms have created opportunities for constructive media-audience engagements but also exposed journalists, especially women and journalists who report on polarising issues, to online harassment and hate speech. These threats, coupled with worsening economic conditions for the conduct of independent journalism, have serious implications for the profession, including self-censorship, avoiding covering topics that polarise society or leaving the profession altogether. This working paper documents¹ the extent and nature of the threats in the EU member and candidate countries and thus, contributes to a better understanding of the scope of the problem. Besides naming the most pressing issues, the main aim of the working paper is to provide some suggestions on how these problems can be tackled. In order to do so, it offers a selection of best practices from different EU member countries, which might mitigate some of the disruptive impacts. The paper is organised as follows. The first chapter identifies the main problems and best practices in the EU more broadly. The following chapters offer a more detailed overview of the situation in the selected member states: Austria, France and Germany.

¹ This working paper captures the situation as it was in autumn 2020. In some instances, more recent data is provided.

Safety of journalists in Europe

Mária Žuffová and Roberta Carlini

Physical safety of journalists

The number and nature of attacks on journalists in the past years have been disquieting (UNESCO 2018). The database maintained by the Committee to Protect Journalists¹ includes data on assaults on journalists and press since 1992. Based on these, 23 journalists were killed in the EU member states since 1992, with the majority of killings happening in the past five years. In 2015, eight journalists were murdered in the attack on the Charlie Hebdo offices in Paris². The Maltese investigative journalist Daphne Caruana Galizia and Slovak investigative journalist Ján Kuciak were assassinated in 2017 and 2018, respectively. Following these murders, the demand for strong international and EU reaction³ to protect the safety of journalists has intensified. In response, the EU Parliament organised a delegation visit to Malta⁴ and Slovakia⁵ with the aim to obtain more information related to the work of journalists and killings from relevant civil society organisations, journalists, state representatives and law enforcement authorities. It has also adopted a number of resolutions⁶ addressing the situation. Some member states have established dedicated committees to monitor the threats to journalists and prepare measures to prevent and address them.

Why does the safety of journalists matter? It is a necessary condition for safeguarding the right to freedom of expression⁷. The available evidence suggests that threats to journalists might lead to self-censorship, which can eventually result in weakening democratic practices, as the plurality of information will diminish. The killings of journalists are also associated with an increase in corruption (Žuffová 2020). The perceived risk of death linked to investigative reporting might discourage journalists from taking up investigations on corruption, which might enable corruption to thrive further. Research has shown that where a single journalist is killed (by either state or non-state actors' order), the government repression and deterioration of human rights are more likely to follow in the immediate future (Gohdes and Carey 2017). Taking everything into account, any violence and threats towards journalists do not only have consequences for them as individuals but for society as a whole.

In 2015, the Council of Europe (CoE) launched the Platform to promote the protection of journalism and the safety of journalists⁸. The platform's main aim is to document threats against media and

¹ <https://cpj.org/data/killed>. See also International Press Institute's death watch, <https://ipi.media/programmes/death-watch/> and Reporters without borders statistics, <https://rsf.org/en/journalists-killed>.

² Charlie Hebdo attack: Three days of terror, *BBC*, 14 January 2015, <https://bbc.in/31BPky7>.

³ Groups demand strong EU response to journalist murders, *International Press Institute*, 6 March 2018, <https://bit.ly/35vJmzY>.

⁴ European Parliament delegation concludes visit to Malta to investigate the rule of law, *European Parliament News*, 1 December 2017, <https://bit.ly/31CZej5>.

⁵ The murder of journalist Ján Kuciak: EP delegation to visit Slovakia Thursday-Friday, *European Parliament News*, 7 March 2018, <https://bit.ly/3dYeYSL>.

⁶ Resolution on the situation of the rule of law and the fight against corruption in the EU, specifically in Malta and Slovakia 2018/2965 (RSP), *Legislative Observatory European Parliament*, <https://bit.ly/2FU9N9Z> and Resolution on the rule of law in Malta following the recent revelations surrounding the murder of Daphne Caruana Galizia 2019/2954 (RSP), *Legislative Observatory European Parliament*, <https://bit.ly/2TkadcK>.

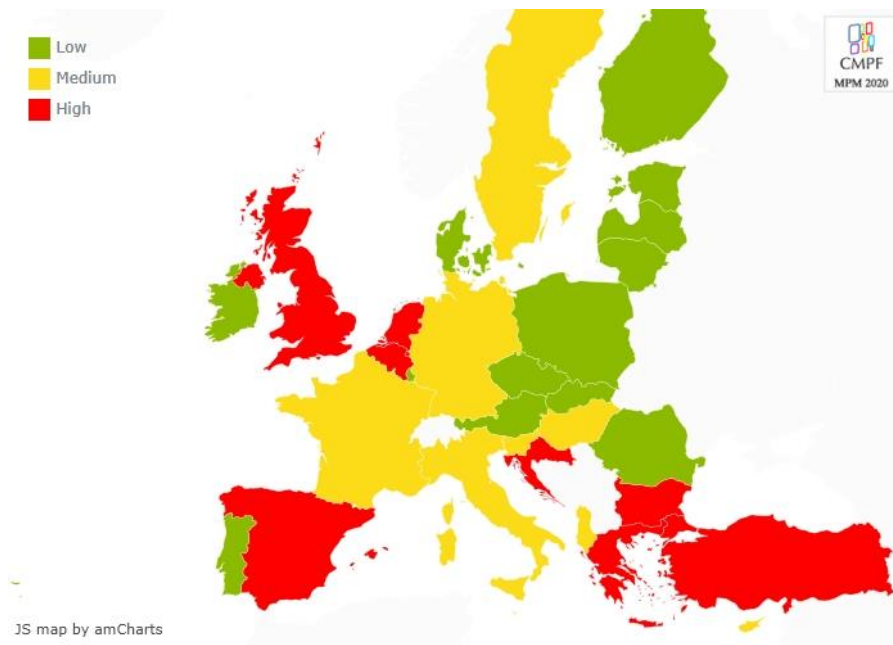
⁷ As stipulated in article 19 of the Universal Declaration of Human Rights: <https://bit.ly/2TkadcK>.

⁸ <https://www.coe.int/en/web/media-freedom>.

journalists and propose adequate policy responses. In 2016, all CoE member states signed the CoE Recommendation 2016/4 on the protection and safety of journalists and other media actors⁹. The recommendation states that all CoE member states must satisfy a range of positive obligations, including legal and administrative measures safeguarding freedom of expression that is essential for media freedom. They also must adopt effective preventive measures (including state protection) to avoid risk to the life or physical integrity of journalists.

However, as the Media Pluralism Monitor 2020 (MPM2020) have recently revealed, the practice in member states varies, with some lagging behind in implementing these commitments (Brogi et al. 2020). The MPM2020 concluded that 17 out of 30 assessed countries scored either a medium or a high risk on the sub-indicator evaluating the safeguards to the physical safety of journalists (see Figure 1 below). The assessment of this sub-indicator includes the murders of journalists but also cases of attacks or threats to the physical safety of journalists and considers that some of these attacks and threats might have gendered nature and affect women journalists more than their men colleagues.

Figure 1: Risk to the physical safety of journalists in the EU, Albania and Turkey (MPM2020)



Severe attacks on journalists occurred in several EU member countries, and often they were not followed by a timely response of law enforcement authorities. The MPM2020 researchers reported several

⁹ Recommendation on the protection of journalism and safety of journalists and other media actors, Council of Europe, 2016, <https://bit.ly/2HskMYv>.

incidents in Belgium¹⁰, Bulgaria¹¹, Croatia¹², Greece¹³, the Netherlands¹⁴, Poland¹⁵, Spain¹⁶ and other EU member states and candidate countries¹⁷. The reports commissioned by the CoE also revealed that journalists are subjected to intimidation and pressure (Clark and Grech 2017; Clark and Horsley 2020). The situation worsened during the COVID-19 pandemic when journalists were harassed or even detained for reporting on the poor condition of some state health facilities and the government mishandling the crisis¹⁸.

In October 2020, the UN Human Rights Council adopted a new resolution on the safety of journalists (United Nations General Assembly 2020b). The Council recognised the importance of investigative journalism and condemned violence against journalists, in particular the threats coming from political actors and gender-based attacks on women journalists.

Online safety of journalists

The advancement of new digital technologies has facilitated many journalism practices. For instance, it has made audience engagement, which has always been an essential part of journalism practice, possible in a few clicks. However, new technologies have also brought new threats to the profession, from online harassment and hate speech, exposure of online networks and other forms of doxing to surveillance by state and non-state actors.

Online harassment and hate speech

The media started to use comment sections under their news stories at the end of the 1990s (Santana 2011). Together with social media platforms, they represent a possibility for journalists to interact with their audience, and many journalists use it widely. However, the anonymity that both comment sections and social media platforms offer has also enabled incivility to rise. The available communication research suggests that nearly all journalists experience some online abuse (Lewis, Zamith, and Coddington 2020). The MPM2020 has also concluded that journalists are targets of online harassment and hate speech (Brogi et al. 2020). Online threats against journalists were reported in twenty-three out of 30 assessed countries. In some countries, journalists who cover specific topics, in particular, migration

¹⁰ VIDEO. VTM journalist attacked by demonstrators during March against Marrakesh, Nathalie De Bisschop, *HLN*, 16 December 2018, <https://bit.ly/37Hob0u> and VIDEO. Limburg-based reporter ‘Schild en Vrienden’ in Diepenbeek attacked by Nationalist Student Association, *HBVL*, 29 November 2018, <https://bit.ly/3ks4VaU> (in Flemish).

¹¹ Bulgarian Journalist Georgi Ezekiev, Zov News Website Publisher, Receives Death Threat in a Filmed Interview, *Council of Europe’s platform to promote the protection of journalism and safety of journalists*, 28 June 2018, <https://bit.ly/2IPh9fR>.

¹² Serbia Protests After Croatian Right-Wingers Burn Newspaper, Sven Milekic, *Balkan Insight*, 9 April 2017, <https://bit.ly/31Cqm1M> and Physical attack against journalist Drago Miljuš, *European Federation of Journalists*, 12 October 2017, <https://bit.ly/3omlbww>.

¹³ Greece, Council of Europe’s platform to promote the protection of journalism and safety of journalists, <https://bit.ly/3oe9GXY>.

¹⁴ Sixty-one per cent of journalists face threats, *Dutch Association of Journalists*, 1 May 2017, <https://bit.ly/2HmfkH8> and Press Freedom Monitor 2019, *Press Freedom Fund*, 3 May 2020, <https://bit.ly/3jms3Xe> (in Dutch).

¹⁵ Attack on Magdalena Ogórek in front of TVP, *Wiadomości Radio ZET*, 3 February 2019, <https://bit.ly/3jo0yfY>; The SDP Press Freedom Monitoring Centre protests against the beating of Polsat News Television cameraman, *Press.pl*, 1 August 2017, <https://bit.ly/37zSPsP> (in Polish) and Polish investigative journalist Baca-Pogorzelska receives menacing text messages, *Committee to Protect Journalists*, 10 May 2019, <https://bit.ly/3jqmDdw>.

¹⁶ IPI urges Spain to protect journalist safety amid Catalonia protests, *International Press Institute*, 15 October 2019, <https://bit.ly/2FSdI71>.

¹⁷ See, for example, the report by the Lithuanian Journalism Centre at <https://bit.ly/347bWI3>.

¹⁸ Activists, journalists face smear campaigns, harassment and censorship during COVID-19, *Civicus Monitor - Tracking Civic Space*, 23 July 2020, <https://bit.ly/37zkB8N>.

and feminism, were more likely to be the victims of online harassment than their colleagues who cover less polarised issues¹⁹ (Trionfi and Luque 2019). Many of these threats were coming from extreme right-wing groups (Clark and Grech 2017). The MPM2020 researchers documented a number of incidents of online harassment in several EU member states and candidate countries, confirming this worrying trend. In Italy, “La Repubblica” Editor-in-Chief Carlo Verdelli received death threats from an extreme right-wing group and had to be placed under police protection²⁰. In Croatia, reporter Maja Sever received death threats following the broadcast of her story about refugees from Nigeria²¹. Trolling journalists was also widespread in Hungary, where critical journalists’ voices are often labelled as “*enemies of the nation*” (Sarikakis et al. 2017).

Online harassment and hate speech have repercussions for the conduct of journalistic work. Abused journalists might be less willing to engage with their audiences, as they would perceive the interactions as less valuable. In the long run, it might substantially deteriorate the relationship between media and the communities they serve. Similarly, as in the case of attacks on journalists in the offline environment, online harassment and hate speech might easily lead to self-censorship. Affected journalists might fear for their physical safety. The CoE’s report from 2017 demonstrated that journalists who were survivors of violence (that occurred in both the offline and online environment) were unable to carry their work effectively and self-restricted their freedom to pursue stories they considered to be important (Clark and Grech 2017).

Surveillance and cyber-attacks by state and non-state actors

New digital technologies have also facilitated working on investigations, but at the same time, they have contributed to the normalisation of surveillance (Best 2010) and might put journalists and their sources in danger. There are three main technological threats for journalists – (1) technologies that remove anonymity, (2) technologies that identify people’s location and (3) technologies that weaken the security of digitally stored data (Paterson 2018).

The Snowden revelations in 2013²² exposed the extent of surveillance by state actors in the USA and pointed public attention worldwide to the topic of mass surveillance. Since then, there have also been discussions on the impact of surveillance on investigative journalists and their sources. Available research suggests that journalists across the EU have experience with being surveilled. The incidents ranged from additional searches and security screenings on the airports, surveillance signalling, phone tapping, hacking journalists’ devices and misusing the legislation protecting state secrets and official information (Mills and Sarikakis 2016).

The MPM2020 researchers have also reported cases of surveillance in the EU member states and candidate countries. For instance, in Slovakia, the investigation of the murder of an investigative journalist Ján Kuciak revealed that he and other journalists were surveilled by a former member of intelligence services, hired by a businessman accused of the murder.²³ Some of the surveillance also occurred in collaboration with public authorities²⁴. In Poland, the central anti-corruption authority

¹⁹ This information was provided as background information for MPM2020 in Austria, for example.

²⁰ ‘La Repubblica’ Chief Editor Carlo Verdelli under Police Protection after Receiving Death Threats, *Council of Europe’s platform to promote the protection of journalism and safety of journalists*, 29 April 2020, <http://bit.ly/3p3I07E>.

²¹ Croatian Journalist Maja Sever Received Death Threat Via Facebook over Her Report on Nigerian Refugees *Council of Europe’s platform to promote the protection of journalism and safety of journalists*, 2 November 2017, <https://bit.ly/3jmEpOX>.

²² The NSA Files, the Guardian, <https://bit.ly/2TgEzwO>.

²³ Ex-spy who spied on Kuciak: I thought I was working for the state, *the Slovak Spectator*, 22 January 2020, <https://bit.ly/31yvoMw>.

²⁴ Ex-labour office worker reportedly admitted to surveillance of journalist, *the Slovak Spectator*, 29 May 2019, <https://bit.ly/2HqhWmS>.

(Centralne Biuro Antykorupcyjne) used a controversial Pegasus spyware for its investigating activities.²⁵ Surveillance might substantially limit journalists' freedom of movement and expression, as journalists might discipline themselves.

Some member states also adopted controversial legislation that gives law enforcement authorities far-reaching powers for the purposes of investigations and could potentially expose and put whistleblowers and journalists' sources at risk. For instance, the German Federal Parliament passed a law in 2016 that allowed intelligence services to monitor Internet traffic worldwide.²⁶ However, Reporters Without Borders filed a complaint against the law to the Federal Constitutional Court, which has recently published the judgement²⁷, which clarified that the fundamental rights safeguarded by relevant legislation and their protection are not limited to the German territory. The decision confirmed that the provisions in the 2016 law breach the right to privacy of telecommunications and the freedom of the press. While the judgement was labelled as “*a victory of press freedom in Germany*”²⁸, many other EU member countries have controversial legislation in place. They include but are not limited to the British Investigatory Powers Act 2016²⁹, the amendments to the Police Act³⁰ in Poland or the Dutch Law on Computer Criminality III³¹ that was adopted to fight cybercrime, but some of its provisions might force journalists to reveal their sources to law enforcement authorities eventually.

Cyber-attacks were also a common way of preventing the media from informing on certain issues. For instance, in Malta, the online news platform *The Shift*, which focuses on investigative journalism, experienced in 2019 several denial-of-service (DoS) attacks aimed at taking the website down.³² DoS attacks on media's websites were also reported in Bulgaria³³ or the Netherlands. These experiences have a chilling effect on journalists and require them to obtain sophisticated skills in digital security to protect themselves and their sources, which can be challenging as only big established newsrooms might have resources to provide such training.

Smear campaigns against journalists

The smear campaign is defined as an effort to discredit someone and damage his or her reputation and credibility by making unsubstantiated accusations and provoking hate. Reputation and credibility are essential for journalists as any other profession for career advancements, and smear campaigns are a powerful tool to inhibit these. However, for journalists, they might be even more damaging than for other professions, as journalism belongs to professions that cannot function without public trust. Smear campaigns occur in both offline and online environment, and similarly to other threats against journalists, their goal is usually to silence the critical voices.

²⁵ Pegasus, czyli inwigilacyjne zabawki CBA poza kontrolą (Pegasus, or CBA surveillance toys out of control), 5 September 2019, Panoptikon, <https://bit.ly/3jpWtYo> (in Polish).

²⁶ An international case against surveillance of reporters, Cecilia Butini, *Columbia Journalism Review*, 13 March 2020, <https://bit.ly/31yvF20>.

²⁷ In their current form, surveillance powers of the Federal Intelligence Service regarding foreign telecommunications violate fundamental rights of the Basic Law, *the Federal Constitutional Court*, 19 May 2020, <https://bit.ly/2HrXYZj>.

²⁸ Victory for press freedom in Germany: Global mass surveillance ruled unconstitutional, European Federation of Journalists, 19 May 2020, <https://bit.ly/37uUgJ4>.

²⁹ Investigatory Powers Act 2016, *Legislation.gov.uk*, <https://bit.ly/3okEgzd>.

³⁰ Eroding Checks and Balances: Rule of Law and Human Rights Under Attack in Poland, *Human Rights Watch*, 24 October 2017, <https://bit.ly/2Tmg7Ki>.

³¹ De Wet computercriminaliteit III: meer handhaving op internet (The Computer Crime Act III: more enforcement on the internet), Jan-Jaap Oerlemans, *University of Utrecht*, <https://bit.ly/3jmF4jp> (in Dutch).

³² Journalists' lobby condemns The Shift News cyber-attacks, *Times Malta*, 21 January 2019, <https://bit.ly/31Dp9Hr>

³³ Bivol targeted by the government for exposing corruption, *International Press Institute*, 2 August 2019, <https://bit.ly/3onxXuC>.

Smear campaigns against journalists have occurred in several EU member states and candidate countries, as documented by the MPM2020 and the latest report commissioned by the CoE (Brogi et al. 2020; Clark and Horsley 2020). In Hungary, the government launched a campaign against several journalists³⁴. The pro-government online portal published a list of journalists³⁵ and accused them of being financed by George Soros and following “foreign interests”. Coordinated smear campaigns against individual journalists occurred after they published important investigative stories, which suggests that the government used these hateful campaigns as a way of retaliating. In Serbia, too, pro-government outlets pursued smear campaigns against journalists critical towards the government, accusing them of being “traitors and collaborators with the enemies of Serbia”.³⁶ A journalist who co-founded the Commission Investigating the Murders of Journalists in Serbia was blamed for being an accomplice in the 1999 NATO bombing of Belgrade.³⁷ In Greece, anonymous perpetrators posted thousands of posters with photos and names of sports journalists and insults in the streets of Athens.³⁸ Sometimes, instead of fabricating accusations, perpetrators try to get access to information concerning the private life of journalists and publicise it – a practice known as doxing. In Slovakia, an organised group assisted by police officers monitored several journalists, including the murdered Ján Kuciak, with the aim to find reputation-damaging evidence.³⁹ Reporters who informed about the case were again labelled as “instruments of George Soros’ propaganda”.⁴⁰

These are just a few examples of smear campaigns against journalists in Europe. They can be extremely harmful, as it is very difficult to disprove the accusations.

Women journalists

In the past years, there has been growing evidence of gender-based violence (GBV) in journalism. The attacks on women journalists are common in most of the EU member states, and in particular, online

³⁴ Hungary: Prime minister Viktor Orban wages a campaign against critical journalists, Zoltan Sipos, *Index on Censorship*, 27 September 2017, <https://bit.ly/35kOKG0>.

³⁵ See the original list at <https://bit.ly/2FTNl0F> (in Hungarian).

³⁶ Serbia: State-owned weekly describes independent and government-critical media as ‘traitors’, *Mapping Media Freedom*, <https://bit.ly/3m8eKvg>.

³⁷ Doing their masters’ bidding: Media smear campaigns in central and eastern Europe, Paula Kennedy, *Index on censorship*, 21 December 2018, <https://bit.ly/2TmzAux>.

³⁸ Greece: EFJ/IFJ condemn smear campaign against four sports journalists, *European Federation of Journalists*, 12 May 2020, <https://bit.ly/3mkHFfL>.

³⁹ Six people involved in the surveillance of journalists, Kočner paid thousands, Matúš Burčík, *the Slovak Spectator*, 24 April 2019, <https://bit.ly/3mb0uSg> (in Slovak).

⁴⁰ The smear campaign against Slovakia’s journalists by ex-Police Chief Gašpar’s needs to stop, *Reporters without borders*, 20 September 2019, <https://bit.ly/2TINnBm>.

attacks have been on the rise⁴¹. MPM2020 researchers reported several incidents in Belgium⁴², the Czech Republic⁴³, Malta⁴⁴, Romania⁴⁵, Spain⁴⁶ and many others⁴⁷.

While both men and women journalists are targets of physical and online attacks, the nature of these attacks is very different, with women receiving more misogynist and sexualised hate speech⁴⁸. These attacks are also connected with coverage of specific topics, in particular, migration, but some topics are country-specific (Chen et al. 2020). Researchers have long argued that it is also important to consider the intersection of gender and race, as it is not only gender but also other aspects of social identity that lead to discrimination (Crenshaw 1991). It has been already demonstrated that women of black, Asian or minority ethnic (BAME) backgrounds are more likely to be targeted. In 2019, the International Press Institute conducted interviews with journalists in selected EU countries, and the experiences of women journalists of BAME backgrounds confirmed this assertion. In Germany, women journalists coming from Turkish families or from the wider Muslim community were more likely to receive attacks than their white colleagues were (Trionfi and Luque 2019). In a similar vein, the Guardian-commissioned research from 2016⁴⁹ examining tens of millions of comments posted on the Guardian's website revealed that ten most abused journalists were eight women and two black men. The comments women journalists receive are often unrelated to their work but discuss their visual appearance and question their competency to report on the specific issues or in general. Some of these comments can be extremely violent and dehumanising and include rape and death threats (Criado-Perez 2016).

Attacks on women journalists have severe repercussions for journalism practice. Several academic and policy reports concluded that online harassment harms their well-being and mental health, and the conduct of their profession (OSCE Representative on Freedom of the Media 2016; UNESCO 2019). In many cases, women reporters who experienced vitriol online mentioned that they responded by self-censoring or discontinuing to cover issues that are too polarised in society. Some decided to leave the profession altogether. While several high-level documents produced by the United Nations, OSCE Representative on Freedom of the Media, and the European Commission stressed the importance of a gendered approach to developing safeguards to the physical safety of journalists (OSCE Representative on Freedom of the Media 2016; United Nations General Assembly 2020a), it is not clear how this should be done.

Moreover, one of the main issues, which was also encountered during the MPM2020 data collection, is that data on GBV against women journalists and its impact is not systematically collected. The efforts

⁴¹ Aumentan las amenazas 'online' a periodistas en España, especialmente entre las mujeres, según un estudio (Online threats to journalists increase in Spain, especially among women, according to a study), *Europa Press*, 8 August 2018, <https://bit.ly/2HqKKfe> (in Spanish).

⁴² Sportjournalistes getuigen over seksisme en grensoverschrijdend gedrag: 'Seksisme zit in de sportwereld ingebakken' (Sports journalists testify about sexism and transgressive behavior: 'Sexism is ingrained in the sports world'), *NWS*, 18 October 2019, <https://bit.ly/37xnwik> (in Dutch).

⁴³ Temná stránka práce novinářek: nadávky a sexuální obtěžování na denním pořádku (The dark side of journalists' work: swearing and sexual harassment on the agenda), *the Czech television*, 15 September 2019, <https://bit.ly/2Hs2uHg> (in Czech).

⁴⁴ Online harassment of women 'worse in tone' and 'much more personalised', Joanna Demarco, *the Shift News*, 2020, <https://bit.ly/3knCuuM>.

⁴⁵ Investigative journalist subjected to death threats, *Civicus Monitor - Tracking Civic Space*, 10 July 2019, <https://bit.ly/2TjwUOd> and Romanian investigative journalist Diana Oncioiu receives an anonymous death threat, *Committee to Protect Journalists*, 13 June 2019, <https://bit.ly/3jmv8GM>.

⁴⁶ Spanish reporter Laila Jiménez assaulted by protesters during Catalonia independence march, *Committee to Protect Journalists*, 2 October 2019, <https://bit.ly/2J0C3sH>.

⁴⁷ See Balčytienė and Juraitė (2020), p. 4 and Klimkiewicz (2020), p. 16.

⁴⁸ Why Women Aren't Welcome on the Internet, Amanda Hess, *Pacific Standard*, 14 June 2017, <https://bit.ly/3jl2s0R>.

⁴⁹ The Dark Side of Guardian's comments, *the Guardian*, 12 April 2016, <https://bit.ly/3dRmVsK>.

to collect this data are weakened by the problem of underreporting (when official statistics do not represent true values due to being unreported by survivors of violence) (Fernández-Fontelo et al. 2019; Gracia 2004; Palermo, Bleck, and Peterman 2014). The International Press Institute's report examining newsrooms best practices for addressing violence against journalists in the online environment also provided examples of female journalists who decided not to report incidents to their supervisors because they feared a lack of understanding and potential reputational harm. They claimed not to report the incidents to police and other law enforcement authorities for similar reasons. Media scholars in several EU member countries confirmed that the evidence is anecdotic at best, and thus, the scale of gender-based violence and harassment remains unknown.

Lastly, it is important to acknowledge that violence against women journalists does not always come from the outsiders only but might also come from their newsroom colleagues and supervisors (UNESCO 2019). #metoo stories have become public in some EU member countries. In Germany, a former Deutsche Welle⁵⁰ presenter was accused of severe sexual offences. As underreporting is widespread when it comes to gender-based offences, the absence of cases in some countries, such as Hungary, Slovakia and others, does not mean that violence or harassment in the newsrooms does not exist.

Threats by political actors and businesses

According to the Reuters Institute for the Study of Journalism's report, which explored the threats, journalists face in Central and Eastern Europe, the number and gravity of anti-press attacks by political actors have been on the rise. In the past five years, some of the examples of anti-press rhetoric coming from high-level politicians included particularly aggressive and disturbing language (Selva 2020). For instance, former Slovak Prime Minister Robert Fico labelled journalists as "*prostitutes*"⁵¹, high-ranking Serbian politicians encouraged law enforcement authorities to "*arrest journalists*"⁵², and Czech president Miloš Zeman went as far as to suggest that "*journalists should be liquidated*"⁵³. Politicians' anti-press narrative often includes labelling journalists as defending "*foreign interests*" or being "*against the nation*".

However, threats by political actors do not stop at verbal attacks. The MPM2020 researchers documented that high-ranking political actors used their powers to restrict access of journalists to public events and, in worse cases, their staff physically attacked journalists. Incidents were reported, for instance, in Hungary⁵⁴, Ireland⁵⁵, and Malta⁵⁶. There were also instances when politicians threatened journalists with liquidating their outlets if they pursue certain stories (Clark and Horsley 2020). In some EU member countries, the governments demonstrate a hostile approach towards journalists by gating access to information and privileging the media outlets that are supportive of the government. Media scholars from a number of EU member states also reported that freedom of information laws are not well enforced in practice and public agencies restrict access beyond the scope of these laws.

⁵⁰ Deutsche Welle is a German international public-service broadcaster.

⁵¹ Robert Fico calls reporters 'dirty, anti-Slovak prostitutes', *Politico*, <https://politi.co/2J0EmvR>.

⁵² Activists, journalists face smear campaigns, harassment and censorship during COVID-19, *Civicus Monitor - Tracking Civic Space*, 23 July 2020, <https://bit.ly/37zkB8N>.

⁵³ Czech president sparks outrage with comments about journalists, *Radio Prague International*, 15 May 2017, <https://bit.ly/31B47tb>.

⁵⁴ Journalist in Hungary violently expelled from a forum by a local politician, *European Federation of Journalists*, 9 May 2017, <https://bit.ly/3ktEsKc>.

⁵⁵ Cameraman escorted from the public meeting by the councillor, Lorna Siggins, *Independent.ie*, 26 October 2019, <https://bit.ly/31wiXRB>.

⁵⁶ Angry scenes outside Parliament as PM, Ministers heckled as they exit, Sylvana Debono, *Newsbook*, 2 December 2019, <https://bit.ly/3mcKP59>.

In Italy, political actors also used the removal of police protection as a way of threatening investigative journalists. In 2019, the then Italian Deputy Prime Minister and Minister of the Interior Matteo Salvini threatened a renowned journalist and writer Roberto Saviano with the withdrawal of his police protection from the mafia⁵⁷. Saviano has been under constant police protection since 2006, after he published the book “Gomorra”, denouncing the practices of the Camorra, the Neapolitan mafia. In the video Salvini posted, he sent a kiss to the camera, saying, “A kiss to Saviano. I’m working on a revision of the criteria for the escorts that every day in Italy commit more than two thousand law enforcement workers.” Salvini had already threatened Saviano to take away his police protection in the past.

Another tactic that political actors use to silence their critics is Strategic Lawsuits Against Public Participation – SLAPPs, which are set out with little or no chance of success and usually ask a disproportionate amount for damages. Vexatious lawsuits remain a problem in many EU member states. Their initiators are not political actors only, but powerful business tycoons as well. In France, the Bolloré group, whose business spans across multiple sectors, use SLAPPs (referred to as *poursuites-bâillons* in France) to intimidate journalists who investigate its practices⁵⁸. Sklower and Rebillard write in their chapter on France that the empire has initiated more than 20 defamation lawsuits in France and abroad in the past ten years. Other means that business tycoons use to threaten media outlets include cuts in advertising expenses or blocking the launch of content, which could harm their reputation.

While business actors’ aggression towards journalists can have serious economic consequences for the outlets, political aggression can endanger journalists’ safety, as it encourages public hostility towards them (UNESCO 2019). The findings of the latest report commissioned by the CoE also suggest that the anti-press rhetoric of some political actors had incited random violent attacks on journalists in the streets, as was the case of the attempted murder of Turkish journalist Can Dündar (Clark and Horsley 2020). The government’s hostility towards media also has repercussions for the credibility of the news and democracy. From a normative perspective, it is desirable that people approach the news with a critical mindset. However, the cynical approach towards the work of traditional media by default might lead to resorting to alternative news that spread disinformation and further polarisation and populism (Cappella and Jamieson 1997). According to the latest Reuters Institute Digital News Report, public trust in the news has been globally on the decline (Newman et al. 2020). In addition, research has shown that the hostile media perception by political actors is associated with a decrease in the overall satisfaction with democracy.

Impunity

According to the Global Impunity Index⁵⁹, realised by the Committee to Protect Journalists, the proportion of murders of journalists where no perpetrators were successfully prosecuted has varied from 85% to 90% of all cases worldwide since the existence of the index. Although this number has slightly improved in the past year, impunity (unsolved murders or other crimes that do not lead to convictions) remains a widespread problem. The murders of Maltese investigative journalist Daphne Caruana Galizia and Slovak investigative journalist Ján Kuciak demonstrated that the safety of journalists could not be taken for granted in the EU member states, which were long considered as safe for the conduct of independent journalism. Although judicial proceedings are still continuing in both countries, they exposed the systemic corruption and the links between oligarchs and high-ranking political actors and

⁵⁷ Journalist Roberto Saviano Threatened with Withdrawal of his Police Protection, *Council of Europe’s platform to promote the protection of journalism and safety of journalists*, 14 June 2019, <https://bit.ly/2KdZXAb>.

⁵⁸ A part of the Bolloré conglomerate was suspected of political corruption in several African countries, in particular, of helping political campaigns to gain concessions in future. See Vincent Bolloré: French tycoon questioned over alleged Africa corruption, *Deutsche Welle*, 24 April 2018, <https://bit.ly/3oNXixi>.

⁵⁹ Global Impunity Index 2019, *Committee to Protect Journalists*, <https://bit.ly/3knvmyI>.

triggered public protests of an unprecedented scale. However, although the eight-month trial in Slovakia concluded with the sentences for the murderer of Kuciak and others who assisted him, the main suspect of ordering the killing was acquitted.⁶⁰ Similarly, the trial of Daphne Caruana Galizia's murder in Malta has not yet led to convictions against the masterminds of the murder. In most European countries, investigations of crimes against journalists are not fast-tracked. In contrast, some take longer than other investigations.

There are, though, some cases where perpetrators have been sentenced. For instance, the mafia member who attacked Italian journalist Daniele Piervincenzi has to serve six years of jail time (Clark and Horsley 2020). Similarly, the abuser of Finish journalist Jessica Aro was sentenced to 22-months imprisonment and had to compensate her financially.

No legal consequences for the murders or other severe crimes against journalists affect them, in particular those who report on polarised or dangerous issues, such as corruption or mafia-structured organised crime groups. Research has shown that where impunity for crimes against journalists exists, journalists are constrained in conducting independent journalism and unable to escape self-censorship (Harrison and Pukallus 2018). Bulgarian journalists interviewed for the abovementioned research stated that they feel threatened by the government and other state actors who are supposed to protect them. They also mentioned that the public is indifferent and not sensitised to threats to journalists, which makes them even more vulnerable, as they do not have substantial public support⁶¹. This leads to self-imposing boundaries on what can and cannot be covered in the media to limit the risk, which has repercussion for journalism as a field, and its credibility. In such a disabling environment, journalists are not risk-free when they abide by the highest journalistic standards. Impunity can, thus, turn journalism into politically compliant activity.

Protection of whistle-blowers

Whistle-blowers have long played an essential role in keeping the government accountable, preventing or addressing corruption, environmental damages, and defending other public interest issues. They have been recognised as an essential element contributing to law enforcement who require special protection. Whistle-blowers also represent a crucial information source for journalists. Media revealed many prominent cases of misconduct of private companies or public authorities, thanks to whistle-blowers' leaks⁶². Investigative journalism depends on journalists' ability to protect these sources.

Despite their essential role for society and democracy, whistle-blowers have regularly been under attack. For instance, former employees of PricewaterhouseCoopers in Luxembourg acted as whistle-blowers and leaked information about tax avoidance schemes.⁶³ At first, they were both sentenced to suspended jail times and fines by the court of the first instance. Although the higher court later overturned this decision, and one of the whistle-blowers received a full whistle-blower status and was acquitted⁶⁴, it took significant public support. Moreover, the fight for justice can take on for decades and have devastating effects for whistle-blowers, as the case of a Spanish whistle-blower who exposed corruption in a local municipality in Madrid linked to high-ranking politicians in the People's Party

⁶⁰ Businessman Acquitted in Murder of Jan Kuciak, Journalist in Slovakia, Miroslava German Sirotnikova, *The New York Times*, 3 September 2020, <https://nyti.ms/3onDgKy>.

⁶¹ Ibid.

⁶² The examples include but are not limited to the Pentagon Paper leaked by Daniel Ellsberg to the Washington Times in 1971 or GCHQ's classified memo by Katharine Gun to the Observer in 2003.

⁶³ Antoine Deltour: LuxLeaks whistle-blower's long legal battle continues, *Transparency International*, 21 November 2017, <https://bit.ly/34zIDyC>.

⁶⁴ Luxleaks whistle-blower Antoine Deltour has conviction quashed, *BBC*, 11 January 2018, <https://bbc.in/3jDXLzh>.

demonstrated.⁶⁵ Whistle-blowing often results in victimisation and other repercussions, such as loss of a job, bullying and harassing that might lead to deterioration of health.

In the past years, the importance of the formal protection of whistle-blowers was also acknowledged in the EU regulation and national legislation of some of its member states. In 2019, the European Commission adopted *Directive no. 2019/1937 on the protection of persons who report breaches of Union law*⁶⁶, which requires all member states to pass the relevant national legislation to enable whistle-blowers to speak out, effectively protect them against retaliation and introduce penalties for the perpetrators of the retaliation to avert a chilling effect on potential whistle-blowers⁶⁷.

Several EU member states have started this process and adopted national legislation guaranteeing the protection of whistle-blowers, for instance, Greece⁶⁸, Ireland⁶⁹, Italy⁷⁰, or Slovakia⁷¹. However, although the legislation clearly states the rights of whistle-blowers and grants their protection *de jure*, there are many flaws in practice. Very few countries have established agencies that oversee the implementation of the laws, and not all that have been set up are fully functional. First, some national laws (e.g., Danish or Italian) are not comprehensive and provide protection to whistle-blowers in public administration only. The protection is not extended to the private sector. Second, the adoption of laws is also rarely accompanied by wide awareness-raising campaigns, which leaves very few employees aware of the protection they are entitled to. Last, the oversight of how the legislation is applied in practice is essential for it to be effective in providing protection to whistle-blowers.

Usually, the high rate of filed reports of suspected wrongdoings can serve as a good indicator of the functionality of the law in practice. Similarly, the rate of cases when the protection was granted can point to the strengths or weaknesses of the law application. For instance, in Ireland, the rate of unsuccessful cases was high, which suggested that some employees who were entitled to protection did not get it. The research revealed that the law was not applied correctly in several unsuccessful cases (Kierans 2019).

The lack of independent monitoring agencies is a weak spot of legislation protecting whistle-blowers in many EU member states.⁷² Even where these agencies exist, it is not a guarantee that the law will be well implemented. For instance, an agency dedicated to whistle-blowers' protection in Slovakia is not fully functional as it was repeatedly unable to appoint its director due to political obstructions.⁷³ In the absence of dedicated agencies for whistle-blowers protection, awareness-raising activities depend on the civil society sector and thus, awareness in some EU member countries with underfunded civil society is low.

The MPM2020 concluded that only ten out of 30 assessed countries scored low risk on the sub-indicator evaluating the protection of whistle-blowers (Brogi et al. 2020). The sub-indicator assesses the existence of a legal framework for whistle-blower protection, its application and effectiveness in

⁶⁵ Whistle-blower who took on Spain's ruling elite, James Badcock, *BBC*, October 2016, <https://bbc.in/2HD3VCW>.

⁶⁶ Directive (EU) 2019/1937 of the European Parliament and the Council of 23 October 2019 on the protection of persons who report breaches of Union law, *Official Journal of the European Union*, 26 November 2019, <https://bit.ly/3jKD3xS>.

⁶⁷ The deadline for the directive transposition is 17 December 2023.

⁶⁸ Law no. 4254 ΦΕΚ Α'85, *Kodiko.gr*, 7 April 2014, <https://bit.ly/37RyTSg> (in Greek).

⁶⁹ Protected Disclosures Act 2014, *electronic Irish Statute Book (eISB)*, 8 July 2014, <https://bit.ly/3mxn4ET>.

⁷⁰ Disposizioni per la tutela degli autori di segnalazioni di reati o irregolarità di cui siano venuti a conoscenza nell'ambito di un rapporto di lavoro pubblico o privato, *Gazzetta Ufficiale*, 30 November 2017, <https://bit.ly/3kFD4nI> (in Italian).

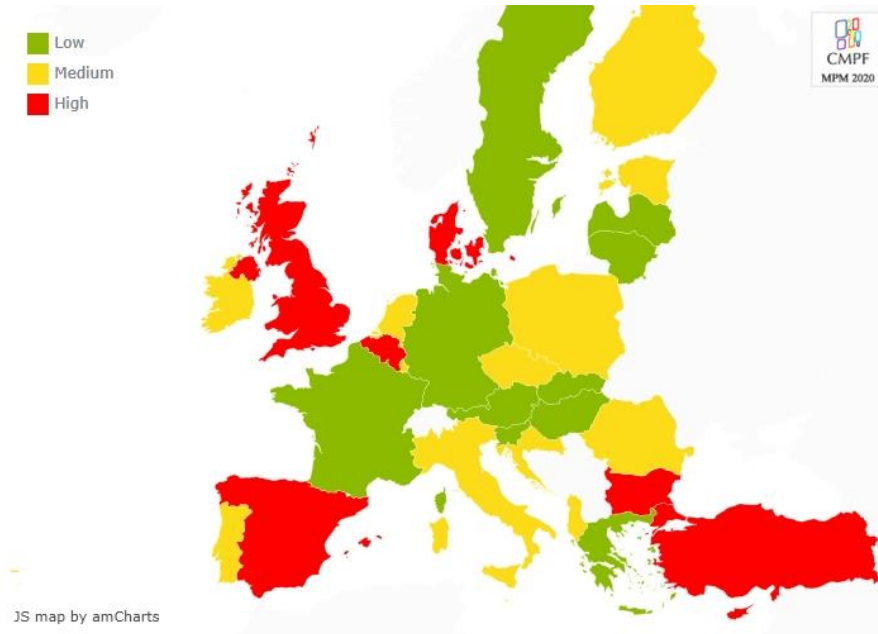
⁷¹ Zákon č. 54/2019 o ochrane oznamovateľov protispoločenskej činnosti a o zmene a doplnení niektorých zákonov, *Legal and information portal Slov-lex*, 1 March 2019, <http://bit.ly/2nvBHIL> (in Slovak).

⁷² For instance, based on data provided by the MPM 2020 Belgian country team, such an agency does not exist in Belgium.

⁷³ Poslanci nezvolili šéfa úradu na ochranu whistle-blowerov (MPs did not elect the head of the Office for Whistle-blowers Protection), *Aktuality.sk*, 26 June 2019, <http://bit.ly/2mtDa9r> (in Slovak).

practice, and the availability of awareness-raising campaigns. Although there has been some improvement from the previous MPM2017 (Brogi et al. 2018), the progress in the whistle-blowers' protection remains problematic.

Figure 2: Risk to whistle-blowers' protection in the EU, Albania and Turkey (MPM2020)



Economic conditions of journalists

Decent salaries and working conditions of journalists are a pre-requisite of their safety, as their economic vulnerability expose them to threats to independence and owners' and commercial influence; and undermine the possibility to do accurate and in-depth investigations. It also increases their vulnerability to SLAPPs and reduces the attractiveness of the sector for highly qualified, well-trained professionals.

In the past decade, the economic situation of journalists has worsened. Evidence from the MPM2020 signals growing threats to the working conditions of journalists, with the majority of EU countries scoring a medium risk in the specific indicator that in most cases derives from precarious employment, reduction of salaries and cuts in the newsrooms (Brogi et al. 2020). This phenomenon is due to the general downturn of the news media sector, which has been impacted by the Great Recession of 2008-2009, and by the structural change of the media environment caused by digitalisation. The double effect of both the economic cycle and the disruption of the traditional business model has strongly affected the European news media industry. Eurostat data on newspapers, radio and TV broadcasting and agency news show a decrease between 2011 and 2017 by 11.7% in the value added at factor cost; and by 14.9% in employment⁷⁴. Considering just the newspapers' sector – the one that traditionally most contributes to investigative journalism and historically performed the watchdog role of media – data show, for the same period, a 27.6% decrease of persons employed⁷⁵ (minus 86,000 journalists). More recent standardised data are not available.

⁷⁴ Eurostat - Annual detailed enterprise statistics for services (NACE Rev. 2 H-N and S95) (for EU28 - the UK included). The decreasing trend did not stop in the years 2018-2019 – the MPM2020 assessment shows a “medium risk” in the indicator which measures media viability, which includes all sectors of the media industry.

⁷⁵ From 311,406 in 2011 to 225,381 in 2017 (Eurostat, id).

According to the results of MPM2020, in 2018-2019, the decline of market revenues for newspapers continued for 22 countries, while the revenues remained stable in three countries and slightly increased in other three other countries⁷⁶ (Brogi et al. 2020). The MPM2020 highlights the media viability risks and their consequences for media pluralism. The findings signal the following:

- 1) No country is immune to economic risks related to the market trends, mostly due to the decline in advertising expenditure⁷⁷ (Brogi et al. 2020), which has been exacerbated by the COVID-19 crisis.
- 2) Revenue and employments' trends are at high risk for the newspapers and the local media sector.
- 3) In some countries, resilience may be detected in alternative business models, which perform best where there is a higher willingness-to-pay for the news (an example is Sweden, where the propensity to pay for news online is high, and publishers accelerated their efforts to increase revenues from digital readers (Färdigh 2020)).
- 4) In other countries, the average economic risk for media viability is reduced by public support.
- 5) But this support is in some countries discretionary, not transparent, distributed in the form of advertising by state-owned or state-controlled firms, which menace political independence of news media and journalists (Batorfy, Hammer, and Galambosi 2020; Brogi et al. 2020)⁷⁸.

These findings emphasise not only the importance of media viability for enabling journalists' working conditions but also the need for transparency and impartiality in distributing public support when it is needed (see recommendations).

Freelancers and self-employed journalists represent a group in the news media sector that is the most vulnerable to economic risks. While employed journalists in the EU enjoy the same level of social security as all employed persons or benefit from sectorial schemes, the social security schemes for freelancers and independent journalists are less common, and in some countries, they do not exist at all⁷⁹. Their economic conditions have been exacerbated by the recent Covid-19 crisis. The European Federation of Journalists also argues that *"this crisis shows the lack of reliable social security schemes for freelancers and atypical workers in Europe (...). In some countries, freelancers do not receive any sick pay or compensation, though journalists are acknowledged in many countries as key workers in case of lockdowns"*. In general, freelancers are also rarely protected against legal and physical threats, and in case of a lawsuit, may not rely on the legal and economic support by the media outlet they contribute to.

Best practices

- to prevent and address physical attacks on journalists

The responses to the attacks on journalists differ from country to country depending on various factors, but mainly on the availability of media's resources to develop a strategy to prevent and respond to incidents.

When it comes to prevention, some media have long had risk assessment and safety protocols in place. For example, as Holznagel and Kalbhenn write in the chapter on Germany, Deutsche Welle –

⁷⁶ The MPM2020 assessment was carried out on EU28 (the UK included).

⁷⁷ Brogi et al. (2020) state that "By collecting users' personal data and using them for targeted advertising, the online platforms take the major share of the online advertising market, thus disrupting the traditional business model of the news media", see p. 10 for more information.

⁷⁸ Batorfy (2020) explains that in Hungary, "the media market has grown remarkably in the past years. But the reason behind the growth is not that commercial advertisers spend more on advertising, but the enormous amount of public money spent by the government on self-advertising and propaganda".

⁷⁹ COVID-19: It is time to guarantee social security for all, European Federation of Journalists, 23 March 2020, <https://bit.ly/37SvmDk>.

German international public-service broadcaster has a specific security department, which oversees journalists' travels to high-risk regions. They note that these practices are increasingly becoming a standard for covering domestic protests and demonstrations too.

However, when it comes to protests and demonstrations, while the measures adopted by the media are necessary, they are not sufficient. We have witnessed in several EU member countries, for example, during the Yellow Vests movement protests in France, demonstrations for abortion rights in Poland or against government Covid-19 measures, journalists who documented these events were not spared from police violence. In response to these incidents, the *Reporters without borders* submitted a complaint and required that law should recognise the special status of a journalist and establish a position of a "liaison officer" who would be responsible for communication between journalists and police forces during protests and demonstrations.

There are several notable transnational efforts to document threats against media and journalists. For instance, the CoE's Platform to promote the protection of journalism and safety of journalists launched in 2015 has already recorded 817 alerts from both state and non-state actors. The incidents included physical attacks, cases of journalists' detention and imprisonment, harassment and intimidation, impunity and any other acts that might have chilling effects on media freedom. The platform also encourages discussion about adequate policy responses, as affected CoE member states have an opportunity to publish their official statements on the incidents as well. The CoE also has an important role in setting standards for safeguarding the protection and safety of journalists and other media actors. Its Recommendation 2016/4⁸⁰ expects CoE member states to adopt effective preventive measures to avoid risk to journalists' life or physical integrity.

In some countries, the media launched "report and support" systems, which journalists can use to inform about the incident and seek legal and psychological support. Some best practices have been identified in Belgium, Finland, Italy, the Netherlands and Sweden. Many of them have in common that the law enforcement authorities (police forces, prosecution and judiciary) are actively engaged in the design and implementation of measures to protect journalists.

In Italy, the Ministry of Interior established a centre to monitor the threats to journalists⁸¹. In Finland, the government has set up a dedicated working group that should oversee the preparation of measures to tackle attacks on journalists with an emphasis on the online environment⁸².

A particularly robust model to address violence against journalists have been developed in the Netherlands⁸³. In 2018, the steering group on Aggression and Violence against Journalists was established. It entailed all key stakeholders (including representatives of journalists and law enforcement authorities) and resulted in the launch of the *Persveilig* platform⁸⁴, which serves as a good practice example worldwide⁸⁵. The platform fulfils several functions at the same time. It raises awareness and provides training to journalists on what type of threats they might encounter in the course of their profession and how they should prevent them. Journalists can also report the incidents directly at the platform and seek support based on the gravity of the offence. Similarly, in Belgium, the Flemish

⁸⁰ Recommendation on the protection of journalism and safety of journalists and other media actors, Council of Europe, 2016, <https://bit.ly/2HskMYv>.

⁸¹ See 2020 Rule of Law Report Country Chapters on Italy, *European Commission*, 2020, https://ec.europa.eu/info/sites/info/files/it_rol_country_chapter.pdf.

⁸² See 2020 Rule of Law Report Country Chapters on Finland, *European Commission*, 2020, https://ec.europa.eu/info/sites/info/files/fi_rol_country_chapter.pdf.

⁸³ See 2020 Rule of Law Report Country Chapters on the Netherlands, *European Commission*, 2020, https://ec.europa.eu/info/sites/info/files/nl_rol_country_chapter.pdf.

⁸⁴ <https://www.persveilig.nl>.

⁸⁵ UNESCO organised a study tour to the Netherlands for the journalist's safety committee, *UNESCO*, 18 December 2019, <https://en.unesco.org/news/unesco-organized-study-tour-netherlands-journalists-safety-committee>.

Association of Journalists launched a hotline for reporting incidents of physical and verbal violence against journalists, to which it immediately responds and offers legal support to the survivors.⁸⁶

The initiatives that encourage collaboration and exchange across sectors, in particular between journalists and law enforcement authorities, have proved useful in other member states too. In their chapter on Germany, Holznagel and Kalbhenn mention that, in response to the attacks on journalists in Saxony in 2019, the German Journalists' Association and the Saxony police forces jointly developed a pilot training for police officers to get insights into the journalistic work and what is required to conduct it in a free and safe manner. The training should be launched in other constituent states as well. In Sweden,⁸⁷ police forces took several actions to respond to crimes against journalists, which includes legislative review to explore if additional safeguards are needed and the increase in support resources. In addition, the Swedish Parliament supported the proposal⁸⁸ 2018/19:2026 to strengthen the protection of journalists from threats.

In some Scandinavian countries, membership in journalists' unions has been extended to freelancers, journalism students and other media professionals, which makes it easier for them to access different sorts of support needed in case they become victims of violence for conducting their work (McGonagle et al. 2020).

High-ranking politicians and public officials are also in the position to prevent attacks on journalists by cultivating public discussion, acknowledging the essential role of media for democracy, and unambiguously condemning any attacks or hate speech towards journalists.

- to strengthen the safety of journalists in the online environment

The best practices from the EU member states include, among others, awareness campaigns, online security training for journalists, measures to manage online discussions in the comment sections or on the platforms, and systemic psychological and legal support to journalists who were survivors of online harassment.

The existence of awareness campaigns and their focus differs across countries. In Germany, several campaigns exist on a constituent states level. Holznagel and Kalbhenn mention in their chapter the initiative against hate speech launched in Bavaria by the regulatory authority for new media (BLM) and the Ministry of Justice. As a part of this initiative, the authorities provided the media with accessible procedures to report hateful content to the judiciary. Programmes to support journalists in addressing online harassment also occur on a global level. For instance, the International Press Institute regularly updates information on its dedicated website *Ontheline Newsrooms*⁸⁹, about the best practices in the newsrooms to combat online hate speech and harassment.

Some newsrooms introduced strong authentication measures for the audience to be able to participate in online discussions to reduce the scale of online harassment and hate speech. People have to use their real names, which is likely to increase the civility of the discussion. However, while removing anonymity might reduce the number and severity of online harassment, it might also lead to the decline of overall audience participation. Another approach to mitigate the online hate speech against individual journalists is to introduce collective authorship, which maintains the anonymity of individual journalists

⁸⁶ VVJ richt Meldpunt in voor agressie tegen journalisten (VVJ sets up Meldpunt for aggression against journalists), 18 March 2019, *Flemish Association of Journalists*, <https://journalist.be/2019/03/vvj-richt-meldpunt-in-voor-agressie-tegen-journalisten> (in Flemish).

⁸⁷ See 2020 Rule of Law Report Country Chapters on Sweden, *European Commission*, 2020, https://ec.europa.eu/info/sites/info/files/se_rol_country_chapter.pdf.

⁸⁸ The proposal to strengthen the protection of journalists, *Riksdag*, December 2018, <https://bit.ly/3oncfXZ>.

⁸⁹ <https://ipi.media/programmes/ontheline/>.

who contributed to the piece. In Lithuania⁹⁰, one of the major news outlets Delfi.lt decided not to include the names of journalists who debunk misinformation and disinformation to prevent or at least decrease the extent of harassment they faced online following the publication of their stories.

In Germany, many newsrooms have drafted editorial community guidelines, which provide advice on what kind of comments should be deleted or kept and what measures should be taken when people breach these guidelines (OSCE Representative on Freedom of the Media 2016). Legal and psychological help is also available for those who were survivors of online abuse. In Finland, even freelance journalists are able to access this help from the Union of Journalists in Finland.⁹¹ This is also the case of Denmark and Sweden.

Regulating hate speech on the Internet also represents a way to tackle online harassment for some EU countries. For instance, Germany adopted the Network Enforcement Act (NetzDG)⁹² in 2017, which obliges online platforms to remove unlawful content under the scope of the act. Anyone based in Germany (both online platform users and non-users) are able to access and submit the dedicated NetzDG reporting form if they would like to report content they believe is unlawful under NetzDG. In line with NetzDG, online platforms are also required to provide detailed reports⁹³ broken down to the criminal code provisions the published content breached and submitters of the reporting forms (individual or complaint bodies). Online platforms had to strengthen their human resources, establish dedicated teams to deal with NetzDG reports and provide them with additional training to respond to these new obligations. That some platforms offer these teams one-on-one psychological support and counselling⁹⁴ suggest that they acknowledge the potentially damaging impact of hate speech online on mental health and wellbeing. While the public and expert opinion is still divided about the act, the evaluation report recognises its relevance. Media was also initially very critical of NetzDG. However, many now perceive it as a helpful tool to fight online hate speech. A detailed description of NetzDG is provided in Holznagel and Kalbhenn's chapter. In France, the Avia law represents an equivalent of NetzDG in Germany. Sklower and Rebillard state in their chapter that some actors, such as the *Reporters without borders*, perceive the law as a step forward to hold platforms more accountable for the presence of hate speech. However, they also see potential risks of misusing the law as a tool for preventive censorship.

Taking legal actions also seems to be a very effective preventative measure against online harassment and hate speech. There are several examples from Finland when harassed journalists Jessika Aro and Linda Pelkonen⁹⁵ took their cases to the courts and succeeded. Perpetrators were found and sentenced in both cases, and many experts argued that they set a precedent for dealing with similar cases of online harassment.

High sanctions for harassing journalists also proved to work as a deterrent from further violent crimes against journalists. In the Netherlands, the sanctions are significantly higher if the offences occurred against journalists than the members of the public.

To address surveillance, newsrooms in several EU member countries provide cybersecurity training for their staff. In Luxembourg, the government has also taken up this initiative. The government provides

⁹⁰ This example has been brought up by the MPM2021 team in Lithuania, in particular, by Prof Auksė Balčytienė and Prof Kristina Juraitė.

⁹¹ *ibid.*

⁹² <https://www.gesetze-im-internet.de/netzdg/BJNR335210017.html>.

⁹³ See, for example, Facebook Transparency Report at https://about.fb.com/wp-content/uploads/2020/07/facebook_netzdg_July_2020_English.pdf and Twitter Transparency Report at <https://transparency.twitter.com/en/reports/countries/de.html>.

⁹⁴ See the latest Facebook Transparency Report in the footnote above, which provides the details about teams that handle NetzDG reports.

⁹⁵ Finland's journalists warn against the normalisation of online violence, *International Press Institute*, 6 June 2018, <https://bit.ly/3ovb6h4>.

cybersecurity training to Luxembourgish journalists on how to prevent spying on them as a part of a broader educational initiative Bee Secure realised by several ministries⁹⁶.

The MPM2020 results suggest that while some problems related to the safety of journalists are country-specific, no EU member state is prone to online harassment of journalists. Therefore, EU-wide initiatives have the potential to tackle this problem more effectively than fragmented national efforts. Thus, a cross-country but also cross-sectoral approach is needed. Governments, the private sector, the civil society sector and academia should work together to design evidence-based policies and measures.

- to prevent and address violence against women journalists

The UN Resolution 70/162 on the safety of journalists and the issue of impunity from 2015 acknowledged the importance of taking a gender-sensitive approach when designing and adopting measures to address the safety of journalists (United Nations General Assembly 2015). The debate on how GBV against women journalists should be addressed entails a number of stakeholders: newsrooms in the first place, but also governments, law enforcement authorities, intermediaries and social media platforms. Several media and journalists' unions in the EU member states adopted practices to tackle GBV. They include but are not limited to the following examples:

- Data collection efforts to better understand the extent and nature of GBV against women journalists

In some EU member countries, journalists' unions collaborate with researchers to map GBV against women journalists. Their results have helped to shed light on the scope of the problem, how is violence against women journalists different from that of against their male colleagues, what impacts it has on them etc. While these efforts are laudable, they are still scarce and offer a partial picture only. Ideally, public authorities should collect, regularly update this statistical data and make it publicly available.

- Collective agreements to protect from transgressive behaviour and harassment

Self-regulatory collective agreements are becoming common in some EU member countries. However, as was previously mentioned, they are in force where media are in a good economic shape and have additional resources to implement such agreements, as their effective implementation often requires creating new positions or a department. For instance, as Holznapel and Kalbhenn write in their chapter, Deutsche Welle – German international public-service broadcaster adopted two collective agreements in response to their #metoo case: one covers protection against transgressive behaviour more generally, and another one focuses on the prevention of sexual harassment. The collective agreement to protect from transgressive behaviour is extended to interns and freelancers.

- Awareness-raising campaigns

As was mentioned in the previous section describing the scope of individual problems, raising awareness about the gendered nature of hate speech and attacks against journalists is important. In France, as Sklower and Rebillard write, several civil society organisations run campaigns to support women journalists and address workplace discrimination, such as *Prenons la Une (PIU)* and *The Association of LGBTI journalists*.

- Promote gender equality in the newsrooms

The gendered approach in addressing violence against women journalists is closely linked to a broader concept of gender equality in the newsrooms. Women need to be represented in the newsrooms and publishers' leadership in order to design workplace policies, reporting mechanisms and provide the support that meets the needs of women journalists who might be subjected to harassment or physical violence. Sklower and Rebillard state in their chapter

⁹⁶ <https://www.bee-secure.lu/fr/>.

that Mediapart was the first online daily newspapers in France to create a position of “gender editor” in October 2020. Her role is to promote gender equality in the workplace and prevent gender-based harassment and violence. Mediapart also introduced equal pay policies with seniority-based pay scales (ibid).

- to protect whistle-blowers

First, some EU member states have already adopted a legal framework to protect whistle-blowers. However, as was stated above, how the law is written might be far from its daily application if there is no oversight body.

Based on data provided by MPM2020 researchers, the Whistle-blowers’ Authority (*Huis voor klokkenluiders - House for Whistle-blowers*)⁹⁷ in the Netherlands can serve as a best practice example of an independent oversight body. It offers guidance to whistle-blowers and investigates the filed cases. The legislation offers strong mechanisms that protect whistle-blowers from retaliation and guarantee confidentiality. The high number of reported suspected wrongdoings suggests that the law is working well – that employees are aware of its existence and have trust that *the House for Whistle-blowers* can assist them.

Another effective measure that can encourage whistle-blowers to report wrongdoings is to demonstrate that breaching the law and retaliating against whistle-blowers is not acceptable by fining respective authorities and companies. In Italy, as reported by MPM2020 researchers, ANAC - the central anti-corruption agency issued a €5000 fine to officers who arbitrarily suspended a whistle-blower’s contract.

In addition, support from whistle-blowers often comes from the civil society sector. For instance, in France, as Sklower and Rebillard state, several civil society organisations, including Transparency International, co-founded the *Maison des Lanceurs d’Alerte (House of Whistle-blowers)*⁹⁸, which provides assistance to whistle-blowers.

The protection of whistle-blowers is closely linked with the protection of journalistic sources. The CoE Recommendation No. R (2000) 7 of the Committee of Ministers to member states on the right of journalists not to disclose their sources of information clearly states that the protection of journalistic sources is one of the basic preconditions for the free and independent conduct of journalistic work. The case-law of the ECtHR has confirmed it on several occasions. Some EU member states have long provided strong safeguards when it comes to protecting the confidentiality of journalistic sources. For instance, the Austrian Media Act, adopted in 1981, provides strong safeguards in this regard. As Seethaler states in the chapter on Austria, “the publishers, editors, journalists and other employees of a media company who are called as witnesses before a court or administrative authority, have the right to refuse to answer questions referring to the author, or source of information, or the contents of information disclosed to them in the context of their professional activities”.

- to adopt anti-SLAPP measures and initiatives

Enabling conditions for the journalistic profession should include effective anti-SLAPP legislation or other measures to prevent vexatious lawsuits. While anti-SLAPP measures are now common in Australia, Canada and the US, no EU member state has yet adopted rules that safeguard media and journalists against SLAPP lawsuits. In December 2020, a coalition of NGOs published a model anti-SLAPP directive⁹⁹ and called for an EU-wide approach against SLAPPs, as this abusive practice affects all member states. Using case studies from Croatia, France, Hungary, Italy, Malta and Poland, Bárd,

⁹⁷ <https://www.huisvoorklokkenluiders.nl/>.

⁹⁸ <https://mlalerte.org/>.

⁹⁹ See Protecting public watchdogs across the EU: A proposal for an EU anti-SLAPP law, *Reporters without borders*, 2 December 2020, <https://bit.ly/3qOCw2u>.

Bayer, Luk & Vosyliute (2020) demonstrated that SLAPPs had become a systemic problem that has a chilling effect on media freedom and the plurality of views.

Until the EU adopts an anti-SLAPP directive, media outlets and journalists' associations and unions can also coordinate their efforts against SLAPPs. An example worth following is a Finnish initiative of media outlets and associations which co-established a fund to support journalists who are threatened with lawsuits¹⁰⁰. That said, creating such a fund requires stable economic conditions in the media environment. In France, as Sklower and Rebillard write, the union of independent online news media *SPIIL* has launched collectively bargained civil liability insurance policies to support journalists who face vexatious lawsuits.

- to improve the economic conditions of journalists

As Sklower and Rebillard state in their chapter, the latest success in France was the change in conditions of *pigistes* who now, after a years-long campaign by unions, enjoy similar levels of social security as employed journalists, i.e., they have access to social security benefits, sickness and maternity leave. Several EU member countries also promptly reacted to the impact of Covid-19 on the media industry and provided emergency funds. In France, the aid was again directed mostly towards *pigistes*, photojournalists and press illustrators and other journalists who were not permanently employed and thus more vulnerable.

References

- Bárd, Petra, Judit Bayer, Ngo Chun Luk, and Lina Vosyliute. 2020. *Ad-Hoc Request: SLAPP in the EU Context*.
- Batorfy, Attila, Ferenc Hammer, and Eszter Galambosi. 2020. *Monitoring Media Pluralism in the Digital Era - Country Report: Hungary*. Florence, Italy.
- Best, Kirsty. 2010. "Living in the Control Society: Surveillance, Users and Digital Screen Technologies." *International Journal of Cultural Studies* 13(1):5–24.
- Brogi, Elda, Roberta Carlini, Iva Nenadic, Pier Luigi Parcu, and Mario Viola da Azevedo Cunha. 2020. *Monitoring Media Pluralism in the Digital Era: Application of the Media Pluralism Monitor 2020 in the European Union, Albania & Turkey*. Florence, Italy.
- Brogi, Elda, Iva Nenadic, Pier Luigi Parcu, and Mario Viola da Azevedo Cunha. 2018. *Monitoring Media Pluralism in Europe: Application of the Media Pluralism Monitor 2017 in the European Union, FYROM, Serbia & Turkey*. Florence, Italy.
- Cappella, Joseph N. and Kathleen Hall Jamieson. 1997. *Spiral of Cynicism: The Press and the Public Good*. Oxford, UK: Oxford University Press.
- Chen, Gina Masullo, Paromita Pain, Victoria Y. Chen, Madlin Mekelburg, Nina Springer, and Franziska Troger. 2020. "You Really Have to Have a Thick Skin': A Cross-Cultural Perspective on How Online Harassment Influences Female Journalists." *Journalism* 21(7):877–95.
- Clark, Marilyn and Anna Grech. 2017. *Journalists under Pressure - Unwarranted Interference, Fear and Self-Censorship in Europe*.
- Clark, Marilyn and William Horsley. 2020. *A Mission to Inform: Journalists at Risk Speak Out*.
- Crenshaw, Kimberlé. 1991. "Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color." *Stanford Law Review* 43(6):1241–99.

¹⁰⁰ This example was brought up by Dr Ville Manninen, the University of Vaasa, during MPM2021 data collection.

- Criado-Perez, Caroline. 2016. *'Women That Talk Too Much Need to Get Raped': What Men Are Really Saying When They Abuse Women Online*. Vienna, Austria.
- Färdigh, Mathias A. 2020. *Monitoring Media Pluralism in the Digital Era - Country Report: Sweden*. Florence, Italy.
- Fernández-Fontelo, Amanda, Alejandra Cabaña, Harry Joe, Pedro Puig, and David Moriña. 2019. "Untangling Serially Dependent Underreported Count Data for Gender-Based Violence." *Statistics in Medicine* 38(22):4404–22.
- Gohdes, Anita R. and Sabine C. Carey. 2017. "Canaries in a Coal-Mine? What the Killings of Journalists Tell Us about Future Repression." *Journal of Peace Research* 54(2):157–174.
- Gracia, Enrique. 2004. "Unreported Cases of Domestic Violence against Women: Towards an Epidemiology of Social Silence, Tolerance, and Inhibition." *Journal of Epidemiology and Community Health* 58:536–37.
- Harrison, Jackie and Stefanie Pukallus. 2018. "The Politics of Impunity: A Study of Journalists' Experiential Accounts of Impunity in Bulgaria, Democratic Republic of Congo, India, Mexico and Pakistan." *Journalism* 1–17.
- Kierans, Lauren. 2019. "An Empirical Study of the Purpose of the Irish Protected Disclosures Act 2014 (Volume I)." Middlesex University.
- Lewis, Seth C., Rodrigo Zamith, and Mark Coddington. 2020. "Online Harassment and Its Implications for the Journalist–Audience Relationship." *Digital Journalism* 8(8):1047–67.
- McGonagle, Tarlach, Ronan Ó. Fathaigh, Gionata Bouché, Melinda Rucz, Sarah Stapel, Michelle Seel, and Anne van der Sengen. 2020. *Safety of Journalists and the Fighting of Corruption in the EU*.
- Mills, Anthony and Katharine Sarikakis. 2016. "Reluctant Activists? The Impact of Legislative and Structural Attempts of Surveillance on Investigative Journalism." *Big Data and Society* 3(2):1–11.
- Newman, Nic, Richard Fletcher, Anne Schulz, Simge Andi, and Rasmus Kleis Nielsen. 2020. *Reuters Institute Digital News Report*. Oxford, UK.
- OSCE Representative on Freedom of the Media. 2016. *New Challenges to Freedom of Expression: Countering Online Abuse of Female Journalists*. Vienna, Austria.
- Palermo, Tia, Jennifer Bleck, and Amber Peterman. 2014. "Tip of the Iceberg: Reporting and Gender-Based Violence in Developing Countries." *American Journal of Epidemiology* 179(5):602–612.
- Paterson, Moira. 2018. "The Public Privacy Conundrum - Anonymity and the Law in an Era of Mass Surveillance." Pp. 15–32 in *In the Name of Security – Secrecy, Surveillance and Journalism*, edited by J. Lidberg and D. Muller. Anthem Press.
- Santana, Arthur D. 2011. "Online Readers' Comments Represent New Opinion Pipeline." *Newspaper Research Journal* 32(3):66–81.
- Sarikakis, Katharine, Anthony Mills, Alexander Maurer, and Farsane Khoschsorur. 2017. *Far-Right Nationalism and Populism in Europe: Assaults on Press Freedom*. Vienna, Austria.
- Selva, Meera. 2020. *Fighting Words: Journalism under Assault in Central and Eastern Europe*. Oxford, UK.
- Trionfi, Barbara and Javier Luque. 2019. *Newsroom Best Practices for Addressing Online Violence against Journalists: Perspectives from Finland, Germany, Poland, Spain and the United Kingdom*. Vienna, Austria.
- UNESCO. 2018. *2018 DG Report on the Safety of Journalists and the Danger of Impunity*. Paris, France.

UNESCO. 2019. *Intensified Attacks, New Defences Developments in the Fight to Protect Journalists and End Impunity*. Paris, France.

United Nations General Assembly. 2015. *Resolution Adopted by the General Assembly on 17 December 2015 70/162. The Safety of Journalists and the Issue of Impunity*. United Nations.

United Nations General Assembly. 2020a. *Combating Violence against Women Journalists: Report of the Special Rapporteur on Violence against Women, Its Causes and Consequences*. United Nations.

United Nations General Assembly. 2020b. "The Safety of Journalists."

Žuffová, Mária. 2020. "Do FOI Laws and Open Government Data Deliver as Anti-Corruption Policies? Evidence from a Cross-Country Study." *Government Information Quarterly* 37(3).

Safety of journalists in Austria

Josef Seethaler

Physical safety of journalists

In the last two years, there have been several attacks on the physical safety of journalists in Austria. In June 2019, a Croatian journalist working for the German daily *Frankfurter Rundschau* was physically and verbally assaulted by a Croatian TV presenter who attended a meeting of far-right supporters in the Carinthian city Bleiburg. Austrian police intervened, and the journalist was not hurt¹. In June 2020, a Kurdish journalist was taken to hospital with injuries to his head and teeth after being attacked by a group of people after documenting a demonstration by pro-Kurdish groups in Vienna. The journalist said his attackers were suspected members of ultranationalist and fascist Turkish groups, but it is not yet clear which group precisely.² Most recently, journalists were threatened and attacked by “corona-sceptic” protesters throughout the country.³ Foreign correspondents of Austrian media are repeatedly exposed to physical attacks, even by police authorities – not only beyond the borders of the European Union but also in EU countries.⁴

Online safety of journalists

As much as cases of physical violence are condemnable, the greater threat to the safety of journalists comes from online harassment and intimidation. According to a study by the International Press Institute (IPI),⁵ which was conducted before the recent cases of physical attacks against journalists, the incidences of online abuse against journalists that were collected in Austria can be divided into two main categories: abusive behaviour and threats of violence. The largest proportion of incidences were verbal abuses, classified as a subcategory of abusive behaviour, i.e., everything from classic swearwords to negative references to intelligence or physical appearance. In a few cases, journalists were also implicitly or explicitly threatened with violence. The abuse is almost always topic-related, occurring especially in connection with controversial, emotionally charged topics such as immigration or feminism. In general, the attacks against journalists are not random: Rather, individual journalists are singled out online and, in some cases, repeatedly attacked over an extended period. The abuse occurs on all platforms, both

¹ Croatian journalist Danijel Majić assaulted, harassed in Austria, Committee to Protect Journalists, 7 June 2019, <https://cpj.org/2019/06/croatian-journalist-danijel-majic-assaulted-harass/>

² Austria: journalist physically beaten after filming pro-Kurdish demonstration in Vienna, Mapping Media Freedom, 30 June 2020, <https://mappingmediafreedom.usahidi.io/posts/23384>; Fresh attacks worsen climate of hostility against journalists covering protests across Europe, International Press Institute (IPI), 3 July 2020, <https://ipi.media/fresh-attacks-worsen-climate-of-hostility-against-journalists-covering-protests-across-europe/>

³ Reporters attacked while covering protests against Covid-19 measures in Italy, Reporters Without Borders, 6 November 2020, <https://rsf.org/en/news/reporters-attacked-while-covering-protests-against-covid-19-measures-italy>; Austria: ORF crew faces intimidation filming anti-lockdown protest, Reporters Without Borders, 9 November 2020, <https://mappingmediafreedom.usahidi.io/posts/23580>; Presseclub fordert stärkeren Schutz für Medienschaffende [Press Club calls for stronger protection for media professionals], Salzburger Nachrichten, 5 March 2021, <https://www.sn.at/panorama/medien/presseclub-fordert-staerkeren-schutz-fuer-medienschaffende-99246886>

⁴ Greece: Austrian journalist temporarily detained by local authorities for filming at border crossing, Mapping Media Freedom, 31 July 2018, <https://mappingmediafreedom.usahidi.io/posts/22576>; Romania: Journalists beaten by police at mass rally in Bucharest. Mapping Media Freedom, 23 August 2018, <https://mappingmediafreedom.usahidi.io/posts/22571>

⁵ Online harassment of journalists in Austria, International Press Institute (IPI), 3 August 2017, <https://ipi.media/online-harassment-against-journalists-in-austria/>

publicly and via private message. In the public sphere, the Facebook pages of the right-wing Austrian Freedom Party (FPÖ) play a special role, with numerous offensive and threatening user comments appearing below posts critical of the media written by FPÖ politicians (see below).

Smear campaigns against journalists

During the term of office of the centre-right wing coalition (December 2017 – May 2019), the junior partner in the government, the Austrian Freedom Party (FPÖ), had conducted a smear campaign against the Public Service Broadcaster ORF,⁶ demanding the dismissal of foreign correspondents⁷ and critical journalists.⁸ Especially the popular anchor-man Armin Wolf was the target of a Facebook campaign to denigrate him as a liar.⁹ These campaigns were accompanied by a planned reform of the ORF law, which aimed to abolish the license fee paid by TV and radio set owners and to force ORF to turn to parliament for funding every year.¹⁰ If this reform had been implemented, ORF would have been even more vulnerable to both fiscal and editorial interventions than it already is. Due to the increasing verbal attacks on journalists and the growing pressure on independent and critical reporting, Austria had a five-place fall to a rank of 16th in the 2019 World Press Freedom Index, thus losing its long-lasting status among the countries where press freedom is best protected. It has dropped a further two places in 2020 and is now in 18th place in the ranking.¹¹

Women journalists

According to the IPI report¹², digital threats against female journalists are extraordinarily invasive and mainly linked to their journalistic work. The quantity and nature of abuse depend strongly on the issue being covered. Among the issues, which are said to trigger intense responses from readers are refugees,

⁶ Public broadcasting in Austria: Politicians clash with journalists, *MediaPowerMonitor*, 5 March 2018, <https://mpmonitor.org/2018/03/public-broadcasting-in-austria-politicians-clash-with-journalists>; Austria: Political change puts pressure on the independence of public broadcaster, *Reporters Without Borders*, 28 June 2018, <https://www.mappingmediafreedom.org/2018/06/28/austria-political-change-puts-pressure-on-independence-of-public-broadcaster/>; Austria's far-right launches new attack on the public broadcaster, 20 February 2019, <https://rsf.org/en/news/austrias-far-right-launches-new-attack-public-broadcaster>; Why Europe's right-wing populists hate public broadcasters, *European Journalism Observatory*, 10 July 2019, <https://en.ejo.ch/media-politics/press-freedom/why-europes-right-wing-populists-hate-public-broadcasters>

⁷ Austria: Right-wing politician and trustee of public broadcaster threatens to dismiss a third of broadcasting correspondents, *Mapping Media Freedom*, 18 April 2018, <https://mappingmediafreedom.usahidi.io/posts/22173>; More far-right threats to Austria's public broadcaster, *Reporters Without Borders*, 19 April 2018, <https://rsf.org/en/news/more-far-right-threats-austrias-public-broadcaster>

⁸ E.g., Austria: Right-wing politician demands resignation of public broadcaster journalist; *Mapping Media Freedom*, 30 October 2018, <https://mappingmediafreedom.usahidi.io/posts/22803> Austria: Defamation of broadcaster by FPÖ media spokesman, *Mapping Media Freedom*, 16 May 2019, <https://mappingmediafreedom.usahidi.io/posts/23033>

⁹ Austria: Vice-chancellor accuses public broadcaster of lying, *Mapping Media Freedom*, 1 March 2018, <https://mappingmediafreedom.usahidi.io/posts/21942>; Austrian TV presenter faces hate campaign, *Mapping Media Freedom*, 30 April 2019, <https://www.mappingmediafreedom.org/2019/04/30/austrian-tv-presenter-faces-hate-campaign/>; Austria: Freedom Party attacks Austria's public broadcaster again, 2 May 2019, <https://rsf.org/en/news/austria-freedom-party-attacks-austrias-public-broadcaster-again>; Austria: Coalition partner FPÖ campaigns against television presenter and anchorman for EU election, *Mapping Media Freedom*, 16 May 2019, <https://mappingmediafreedom.usahidi.io/posts/23034>

¹⁰ Austria's public broadcaster sues far-right vice-chancellor over "fake news" post, *DW Akademie*, 28 February 2018, <https://www.dw.com/en/austrias-public-broadcaster-sues-far-right-vice-chancellor-over-fake-news-post/a-42776051>

¹¹ 2020 World Press Freedom Index, *Reporters Without Borders*, <https://rsf.org/en/austria>

¹² "Go die, you whore": Five female Austrian journalists on online abuse – Coverage of refugee issues, feminism leading triggers for digital attacks, *International Press Institute (IPI)*, 5 October 2016, <http://ipi.media/go-die-you-whore-five-female-austrian-journalists-on-online-abuse/>

feminism, and the politics of the right-wing Austrian Freedom Party (FPÖ).¹³ For example, in the first few weeks of 2018, FPÖ and affiliated youth organisations have published photos and contact details of female journalists on Facebook and actively encouraged its followers to target them online.¹⁴ Javier Luque from the IPI states that “*the attacks on female journalists contain a level of virulence and sexualised abuse unseen in the case of their male colleagues*”.¹⁵ Unfortunately, a comprehensive study on the extent of (digital) violence against female journalists is still missing. The same applies to incidents that may have occurred in newsrooms.¹⁶

Threats by political actors

After the inauguration of the centre-right wing government in December 2017, Index on Censorship’s media monitoring project *Mapping Media Freedom* had recorded a significant rise in the intimidation of media outlets and journalists,¹⁷ particularly of the public service broadcaster ORF, against whom a smear campaign had been run (see above). Moreover, the then Interior Minister instructed the press departments of regional police forces to limit their cooperation with media deemed too critical¹⁸ and threatened to launch criminal investigations against several media outlets that have produced investigative reports on Austria’s domestic intelligence agency (BVT).¹⁹ The situation has improved after the government’s resignation in May 2019 and the inauguration of a coalition of the New People’s Party and the Greens in October 2019, which is again led by Chancellor Sebastian Kurz. However, several civil society organisations recently criticised continued obstacles for some media outlets and journalists to access certain government-held information,²⁰ and plans of the New People’s Party to restrict media reporting on leaked judicial information as threatening press freedom.²¹

The news programmes of the public service television and radio channels are still the most trusted (2018 – 66.0%; 2020 – 65.6%) and most frequently used sources of information for Austrians but have lost ground in the last years (ORF 2: 2018 – 50.4%, 2020 – 45.7%; ORF 1: 2018 – 43.1%, 2020 – 38.4%; radio Ö 3; 2018 – 37.7%, 2020 – 40.8%). Among online media, orf.at is by far – despite a declining

¹³ E.g., Austria: Journalist cyberbullied by right-wing party youth win, Mapping Media Freedom, 26 January 2018; <https://mappingmediafreedom.usahidi.io/posts/21854>; Austria: Vice journalist faces cyberbullying campaign after the critical tweet, Mapping Media Freedom, 29 January 2018; <https://mappingmediafreedom.usahidi.io/posts/21861>

¹⁴ Austria: Governments’ altering of media landscape raises concerns, Mapping Media Freedom, 22 March 2018, <https://www.mappingmediafreedom.org/2018/03/22/austria-governments-altering-of-media-landscape-raises-concern-2/>

¹⁵ In Austria, far-right deploys online disinformation against the critical press, International Press Institute, 31 October 2019, <https://ipi.media/in-austria-far-right-deploys-online-disinformation-against-critical-press/>

¹⁶ Wie müssen kämpfen [We must fight], news.at, 4 November 2017, <https://www.news.at/a/sexuelle-belaestigung-metoo-bei-uns-8407356>

¹⁷ Demonising the media: Threats to journalists in Europe, Index on Censorship, November 2018, <https://www.indexoncensorship.org/demonising-the-media-threats-to-journalists-in-europe/>. The incidents were logged to Mapping Media Freedom between 1 May 2014 and 31 July 2018.

¹⁸ Austria: Interior Ministry warns police against critical media, Mapping Media Freedom, 25 September 2018, <https://mappingmediafreedom.usahidi.io/posts/22700>; Austrian police advised to tell “critical” media as little as possible, Reporters Without Borders, 26 September 2018, <https://rsf.org/en/news/austrian-police-advised-tell-critical-media-little-possible>

¹⁹ Austria: Interior Minister threatens investigative journalists, Mapping Media Freedom, 30 June 2018, <https://mappingmediafreedom.usahidi.io/posts/22441>

²⁰ 2020 World Press Freedom Index, Reporters Without Borders, <https://rsf.org/en/austria>; Tag der Pressefreiheit: Presse- und Medienfreiheit auf dem Prüfstand [Day of the press freedom: Press and medium freedom on the test stand], Österreichischer Gewerkschaftsbund [Austrian Trade Union Federation] – GPA-djp, 2 May 2020, https://www.ots.at/presseaussendung/OTS_20200502_OT0028/tag-der-pressefreiheit-presse-und-medienfreiheit-auf-dem-pruefstand

²¹ Austria: Plans to restrict media reporting on leaked judicial information threatens press freedom, Mapping Media Freedom, 25 February 2021, <https://mappingmediafreedom.usahidi.io/posts/23820>

trend – the most widely used news source (2018 – 40.6%, 2020 – 35.6%). Besides ORF, about 60% of Austrians trust the two quality newspapers *Der Standard* and *Die Presse*, but still prefer to read the tabloid *Kronen Zeitung* (2018 – 38.5%, 2020: 37.8%).²²

Protection of whistle-blowers

Since the 2015 amendment of the Austrian Public Prosecutor's Act (Staatsanwaltschaftsgesetz) with legal frameworks for the systematic combat against corruption and economic crime²³ and the implementation of an online platform to enable whistleblowing in 2016, the protection of whistle-blowers can generally be regarded as enforced in practice (as far as the public sector is concerned), even when Austria still lacks a designated law to protect whistle-blowers. In particular, before the European Union adopted the Whistle-blower Directive on 7 October 2019, *private companies* were not generally required to have a whistle-blower system in place, although some established one as a part of their compliance structure. National legislation to implement the Directive still has to be passed.²⁴

Economic conditions

In Austria, access to journalism is open in practice, but economic pressures make it harder to become a journalist. For example, according to a recent survey, young and female journalists are more likely to educate themselves in hopes of finding a permanent job in a crowded profession that offers decreasing job stability. The number of journalists working at least 20 hours a week is decreasing, and the average age of journalists is increasing. More than 20% of Austrian journalists have additional jobs outside the area of journalism, and one out of three journalists works for more than one media outlet simultaneously.²⁵ More than 8% – and, possibly, up to 15% – work as freelance journalists and face uneasy social conditions. They are neither protected by social security schemes nor insured against unemployment. The remuneration of contributions varies greatly, despite a collective contract that specifies the minimum rates for freelance journalists.²⁶

At the national level, Austria has a well-developed but only partially efficient system of media subsidies, to which only media companies are entitled. At the regional level, since 2019, the City of Vienna supports innovative and high-quality projects, for which independent journalists and small start-ups can also apply.²⁷

Best practices

So far, no new and special legislative frameworks have been established in Austria for the protection of the physical and digital integrity of journalists and other media actors²⁸ (as recommended by the

²² Digital news report 2018: Detaillerggebnisse für Österreich, Salzburg; Digital news report 2020: Detaillerggebnisse für Österreich, Salzburg; www.digitalnewsreport.at

²³ RIS - Staatsanwaltschaftsgesetz - Bundesrecht konsolidiert, Fassung vom 22.11.2020 (bka.gv.at)

²⁴ Umsetzung der EU-Whistleblower-Richtlinie in Österreich [Implementation of the EU Whistleblower Directive in Austria], Transparency International, 21 September 2020, <https://www.ti-austria.at/2020/09/21/presseinfo-umsetzung-der-eu-whistleblower-richtlinie-in-oesterreich-ti-ac-fordert-rechtssicherheit-und-schutz-fuer-hinweisgeber/>

²⁵ Hanitzsch, T., Seethaler, J., & Wyss, V. (Eds.) (2019), Journalismus in Deutschland, Österreich und der Schweiz [Journalism in Germany, Austria and Switzerland], Wiesbaden, Germany.

²⁶ Kaltenbrunner, A., Lugschitz, R., Karmasin, M., Luef, S., & Kraus, D. (2020), Der österreichische Journalismus-Report [The Austrian Journalism Report], Wien, Austria.

²⁷ <https://wirtschaftsagentur.at/foerderungen/aktuelle-programme/wiener-medieninitiative-medienstart-123/>

²⁸ On 1 September 2020, Austria notified the European Commission that it is seeking to adopt a bill to combat hate speech in social media and online platforms. Despite many useful provisions that the new law is expected to contain, several NGOs,

Committee of Ministers of the Council of Europe²⁹). However, there is some important legislation in place that aims to secure a favourable environment for freedom of expression by protecting confidential sources and information-gathering processes.

The legislation is very effective in protecting the confidentiality of journalists' sources, in both law and practice. Although claims for libel and invasion of privacy to be brought directly against media companies are allowed, Article 31 of the Media Act 1981 provides strong protection for the confidentiality of journalists' sources. Publishers, editors, journalists and other employees of a media company, who are called as witnesses before the court or administrative authority, have the right to refuse to answer questions referring to the author, or source of information, or the contents of information disclosed to them in the context of their professional activities.³⁰

The Austrian legislator has complied with the Directive (EU) 2016/680 of the European Parliament, which prevents illegal monitoring of journalists by law enforcement authorities, with the formulation of Article 9 in the Data Protection Amendment Act 2018. When exercising its powers vis-à-vis media owners, publishers, and employees of a media company or service, the Austrian data protection authority (Datenschutzbehörde) shall observe the protection of editorial secrecy. However, Article 9 only refers to journalistic activities within the framework of a *media company*. Experts doubt that this provision is in conformity with European law.³¹

The E-Commerce Act and Telecommunication Act of Austria do not restrict encryption, which is vital to secure journalists' communications and protect the confidentiality of sources.³²

Besides the legal realm, there are a few remarkable political and professional initiatives. In the political sphere, Austria plays an active role in international organisations and cooperation, not least because of its long tradition as a neutral state.

On the basis of the first Austrian resolution on the safety of journalists in the HRC in 2012, Austria (with Brazil, France, Greece, Morocco, Qatar and Tunisia) initiated the Resolution 33/2 on *the Safety of Journalists*, unanimously adopted by the UN Human Rights Council on 29 September 2016.³³ As the London-based civil society organisation ARTICLE 19 states, the Resolution "*is a significant commitment by States to take action. It is rooted in their international human rights law obligations and gives an insight into how States view their legal obligations relating to the safety of journalists*".³⁴ At the 45th Session of the UN Human Rights Council in Geneva, Austria again took the lead on bringing forward a new resolution on the safety of journalists, adopted on 6 October 2020. The resolution recognises, among others, the role of investigative journalism and raises deep concerns about the specific risks faced by women journalists in relation to their work. It emphasises the importance of taking a

such as ARTICLE 19 and Reporters Without Borders, are concerned that the proposal interferes with the right to freedom of expression, in particular, because it delegates censorship powers to private companies. Austria: the draft Communication Platforms' Act fails to protect freedom of expression, ARTICLE 19, 16 October 2020; <https://www.article19.org/resources/austria-draft-communication-platforms-act-fails-freedom-of-expression/>; Austrian platform law: Government should avoid errors made with NetzDG, Reporters Without Borders, 4 September 2020, <https://rsf.org/en/news/austrian-platform-law-government-should-avoid-errors-made-netzdg>

²⁹ <https://rm.coe.int/leaflet-safety-of-journalists-en/1680735c28>

³⁰ Federal Act, first adopted 12 June 1981, on the Press and other Publication Media (Media Act – MedienG) – 2015. https://www.ris.bka.gv.at/Dokumente/Erv/ERV_1981_314/ERV_1981_314.html

³¹ Berka, W., Heindl, L., Höhne, T., & Koukal, A. (2019), *Mediengesetz Praxiskommentar*, Wien, Austria.

³² UN Human Rights Council, Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, 22 May 2015, A/HRC/29/32, <https://www.refworld.org/docid/5576dcfc4.html>

³³ <https://undocs.org/en/A/HRC/RES/33/2>

³⁴ ARTICLE 19 (2017), *Prevent – protect – prosecute: Acting on UN Human Rights Council Resolution 33/2 2017*, London, United Kingdom, <https://www.article19.org/wp-content/uploads/2017/09/Safety-of-Journalists-guide.pdf>

gender-responsive approach when considering measures to address the safety of journalists, including in the online sphere.³⁵

Austria participates in the four *Groups of Friends on the Safety of Journalists* at UNESCO in Paris, the United Nations in New York and Geneva and the OSCE in Vienna, founded between 2016 and 2018. These informal working groups of states are committed to strengthening the UN Plan of Action on the Safety of Journalists and the Issue of Impunity³⁶ and improving multilateral cooperation to prevent violence, protect journalists in danger, prosecute perpetrators, and ensure a safe environment for media workers. Following Austria's initiative, the four groups of friends issued a historic first joint statement on the role of media and access to information during the COVID-19 pandemic and the safety of journalists covering protests.³⁷ It also puts a spotlight on gender-based violence and specific threats faced by women journalists.

Austria is involved in the *Media Freedom Coalition*, launched by the United Kingdom and Canada in 2019 and now includes 37 member states.³⁸ *Media Freedom Coalition* is a partnership of countries working together to advocate for media freedom and safety of journalists and hold to account those who harm journalists for doing their job. Coalition members signed the Global Pledge on Media Freedom³⁹, a written commitment to improving media freedom domestically and working together internationally. The first full meeting of all members took place in Geneva in January 2020.

In addition, the Austrian government co-organises international conferences to raise awareness of the deteriorating environment for independent journalism, most recently a webinar on the security and independence of journalists in October 2020 (together with the embassies of the United Kingdom and Canada in Vienna, the Office of the OSCE Representative on Freedom of the Media and IPI),⁴⁰ and the Austrian politician Stefan Schennach is the General Rapporteur of the Parliamentary Assembly of the Council of Europe (PACE) on media freedom and the protection of journalists.⁴¹

At the professional level, awareness of physical and digital security issues still seems to be relatively low – at least if it is measured by the existence of concrete actions. Particularly two – differently far advanced, but linked – initiatives are to be mentioned:

The Vienna-based International Press Institute (IPI), a global network of editors, media executives and journalists, has launched a website dedicated to the newsrooms and journalists' measures to address online harassment.⁴² These measures are based on best practices collected in newsrooms across Europe and reflected in a protocol for newsrooms to support journalists targeted with online harassment.⁴³ The protocol encompasses steps (reporting, risk assessment, support mechanisms, and tracking and reassessment) and addresses different roles and tasks in this process. The website provides a lot of information about newsroom structures that are able to create a culture of safety in the newsroom, audience moderation strategies to block, remove and moderate abusive posts, and the actors involved in

³⁵ <https://undocs.org/en/A/HRC/RES/45/18>

³⁶ <https://en.unesco.org/un-plan-action-safety-journalists>

³⁷ <https://wien-osze.diplo.de/osze-de/aktuelles/-/2333234>

³⁸ <https://www.gov.uk/government/publications/media-freedom-coalition-an-overview/media-freedom-coalition-an-overview>

³⁹ <https://www.gov.uk/government/publications/global-pledge-on-media-freedom/global-pledge-on-media-freedom>

⁴⁰ <https://ipi.media/safety-and-independence-of-journalism-media-freedom-webinar-oct-20-zoom/>

⁴¹ See, for example, Stefan Schennach: 'We must end impunity for crimes against journalists', Parliamentary Assembly of the Council of Europe, 30 October 2020, <https://pace.coe.int/en/news/8075/stefan-schennach-we-must-end-impunity-for-crimes-against-journalists->

⁴² <https://ipi.media/programmes/ontheline/>

⁴³ https://newsrooms-ontheline.ipi.media/wp-content/uploads/2020/02/IPI_newsrooms_protocol_address_online_harassment_ok_022020.pdf

combating online abuse and its impact. Special attention is given to women journalists and freelance journalists.

In February 2020, and in cooperation with IPI, the *Presseclub Concordia*, Austria's most important advocate for the professional interests of journalists, launched the initiative *Against attacks: Protection and security for journalists* (Gegen Angriffe: Schutz und Sicherheit für Journalist*innen). A position paper published by the *Presseclub Concordia* marks the start of an information campaign to make politicians and media companies aware of the need for measures to ensure the safety and protection of journalists.⁴⁴

References

- Berka, Walter and Josef Trappel. 2016. Report of Austria to the Council of Europe following Recommendation CM/Rec(2016)5[1] of the Committee of Ministers to Member States on Internet Freedom. Salzburg, Austria. Retrieved from <https://rm.coe.int/report-of-austria-to-the-council-of-europe-following-recommendation-cm/16808c6194>.
- Index on Censorship. 2018. Demonising the Media: Threats to Journalists in Europe. Retrieved from <https://www.indexoncensorship.org/demonising-the-media-threats-to-journalists-in-europe/>.
- International Press Institute. 2017. Online Harassment of Journalists in Austria. Vienna, Austria. Retrieved from <https://ipi.media/online-harassment-against-journalists-in-austria/>.
- Seethaler, Josef and Maren Beaufort. 2019. Recent Developments on Freedom and Pluralism of Media in Austria. In Angelos Giannakopoulos (Ed.), *Media, Freedom of Speech, and Democracy in the EU and Beyond*, 116-130, Tel Aviv, Israel. Retrieved from https://dacenter.tau.ac.il/sites/abraham.tau.ac.il/files/Media%20Freedom%20of%20Speech%20Text_0.pdf.
- Seethaler, Josef and Maren Beaufort. 2020. Monitoring Media Pluralism in the Digital Era: Application of the Media Pluralism Monitor 2020 in the European Union, Albania & Turkey. Country Report Austria. Florence, Italy. Retrieved from <https://hdl.handle.net/1814/67793>.

⁴⁴ https://concordia.at/wp-content/uploads/2020/03/Positionspapier-Sicherheit-und-Schutz-f%C3%BCr-Journalist_innen_Concordia_Feb2020.pdf. The author of this report is very grateful to Dr Daniela Kraus, Secretary-General of the *Presseclub Concordia*, for her remarks and suggestions.

Safety of journalists in France

Jedediah Sklower and Franck Rebillard

Physical safety

The 2020 law for “*global security*” and the National law enforcement plan (Schéma national du maintien de l’ordre), presented by the Minister of the Interior, meant to address, among other questions, the issue of the safety of journalists during demonstrations. Considering growing defiance and recent cases of violence against journalists during several Yellow-vest demonstrations, this is an important issue.

Various organisations criticised the law for not addressing the question of police violence. The latest version of this regulation took into consideration some of Reporters without borders’ recommendations on the protection of journalists during demonstrations. Worrying declarations by the Minister of the Interior that journalists covering demonstrations had to be accredited by prefectorial authorities created an outcry. Such provisions do not appear in the law.

The draft law that was voted in the Parliament also had a provision that enabled the prosecution of people publicly disseminating pictures of police forces. Article 24 of the law aimed at protecting law enforcement authorities against the dissemination of their image. It punished any person who publishes the image of a police officer (or a member of the army) with the “*manifest*” aim of harming him or her with a 45,000 euro fine and a sentence of one year of imprisonment. This goes against the recommendations of the ECPMF’s Press Freedom Police Codex. Persons not identified as journalists but taking pictures of police forces during tense demonstrations could face physical danger. This was the case recently (late November), with a Syrian photojournalist being wounded by a police officer during a demonstration against police violence.

This aspect of the law was vehemently criticised by journalist unions and defenders of public liberties (the Defender of Rights, Amnesty International, etc.) as an attack on freedom of information. It is considered as an additional means of impunity for law enforcement agents, especially considering structural problems (acts of racism, violence against certain segments of the population, cover-ups, lack of accountability) and the recent multiplication of cases of arbitrary or disproportionate use of force during the Yellow-vest demonstrations, and of unlawful acts against journalists. Such a provision would have curtailed the use of films identifying police officers using force illegally, in a context in which there have been cases of dissimulation of evidence (Geneviève Legay, Cédric Chauviat affairs, for example). With the restrictive definition of journalists, the law was also considered as a crackdown on new types of more activist, citizen journalism that have flourished with recent demonstrations, and the restriction of a form of accountability, as mobile devices have recently come very handy to document police violence - twice in late November 2020, to reveal cases of extreme police brutality.

Following criticisms by journalist organisations, but also, in late November, of two publicised cases of extreme police brutality (and the attempt to cover up the second one – a black man being beaten up by several officers and insulted with racial slurs) which were documented thanks to video footage, a political crisis ensued. Article 24 will probably be changed during Senate hearings in March 2021.

Online safety

There is indeed growing concern among the profession with regards to journalists’ digital safety. In September 2020, *Charlie Hebdo* received numerous online threats from Muslim countries, mobs, heads

of states, and terrorist organizations for republishing their controversial cartoons depicting the Prophet Mohammed.

In December 2019, the Independent Union of Police Commissioners (Syndicat Indépendant des Commissaires de Police) posted a message on its Twitter page naming five French journalists as “*the main actors*” in the “*fight against the National Police*” in France. The journalists were labelled with insulting terms, and accused of “*fuelling hatred*”. The European Federation of Journalists and other representatives of the profession denounced the intimidating and defamatory nature of the message.

Smear campaigns against journalists

Specific media outlets can be targeted for their positions on certain issues, their political or ideological identity, their perceived motives (or those of their sources, etc.), their political or financial ties (and, of course, rightfully so in some cases), or even their work on sensitive issues or events, such as corruption scandals. These phenomena, however, do not amount to smear campaigns. Still, there are cases of collective, loosely or non-coordinated harassment campaigns and “*digital hate squads*” (more akin to harassment or “*astroturfing*” than smearing) against individual journalists or their news outlets. Surely, one can find within the content produced by participants many insults aimed at sully their reputation, among other aims. These issues now have an international scope, with foreign governments attacking specific French media outlets¹.

There are those who smear and those who fall for the smears: what we can fear is that, considering the actual climate, a significant part of the French public could be deceived by such attacks, especially if they multiply online.

Women journalists

In France, the #metoo movement had its echo within the journalistic field, which first broke out with the *Ligue du LOL* affair (revealed in early 2019²). A 2019 collection of testimonies on “*sexist and sexual violence within the media world*” established that there were cases of such violence in over 200 newsrooms and 31 schools, in all types of media; it noted that these media had only rarely taken measures to acknowledge or treated this situation³. Recently, several female journalists have been targeted by online groups for their work and were threatened, trolled, doxed, with clear repercussions on their daily lives. When women (whether they work in the media or elsewhere) are the victims of such campaigns, insults and threats constantly target their body, as well as their families⁴.

Structurally, female journalists are in a more precarious situation than their male colleagues. As the Commission de la Carte d’Identité des Journalistes Professionnels’ statistics show⁵, they more often have temporary contracts or a freelance status. The 2019 survey also underlined that freelance journalists were more often the victims of sexism and harassment than wage-earning journalists. Their lack of job

¹ The Chinese ambassador to France has frequently accused French media of “insulting China” with its reporting on the Covid-19 pandemic, while in October 2020, President Erdoğan of Turkey, after attacking President Macron on his stance relating to religious caricatures (right after the assassination of history teacher Samuel Paty), took on *Charlie Hebdo* which, for that reason, had caricatured him.

² Robin Andraca, La Ligue du LOL a-t-elle vraiment existé et harcelé des féministes sur les réseaux sociaux ?, *Libération*, 8 February 2019, https://www.liberation.fr/checknews/2019/02/08/la-ligue-du-lol-a-t-elle-vraiment-existe-et-harcele-des-feministes-sur-les-reseaux-sociaux_1708185

³ Prenons la Une, NousToutes.org. Paye ton journal (2019). Entendu à la rédac. Retrieved from <http://entendualaredac.fr/>.

⁴ Personal interview with Pauline Adès-Mével (RSF), 19 November 2019

⁵ Commission de la Carte d’Identité des Journalistes Professionnels, “Statistiques 2019”, <http://www.ccijp.net/article-165-statistiques.html>

security makes them more vulnerable and thus more exposed to everyday sexism, “old school” machismo and, in some cases, sexual pressures and assaults. It also makes it particularly difficult for them to voice and denounce such behaviours for fear of being labelled and “banned” from certain media.

Threats by political actors

Some political actors do indeed use anti-press rhetoric in France, especially when affairs break out in the media: alongside defamation lawsuits, attacking the messenger for his “hidden agenda”, his collusion with the political elite or his ideology⁶. Those who do so contribute to growing distrust in “mainstream news”: according to Reporters without Borders⁷, they bear a certain responsibility in the attacks against journalists during Yellow-vest demonstrations⁸; to a certain extent, the same point could be made to account for police violence.

Like elsewhere in the world, the mainstream media are more and more considered as part of “the elite”. The French public’s interest in information was at a historical low in 2019. Following the Yellow-vest movement, 71% of the respondents of a yearly national poll felt that the media do not take their preoccupations into consideration⁹. The situation seems to have degraded with the Covid-19 crisis: according to the latest Reuters Institute Digital News Report, only 23% of the population trusts the news in general, thus placing France second-to-last in Europe (39/40)¹⁰.

Impunity

France’s judicial apparatus still has progress to make in order to better protect journalists¹¹ and more systematically act against persons who defame, insult, threaten and harass journalists, especially online. Complaints are often overlooked, and when they are eventually considered, the justice system can be very slow¹². One of the main problems is the lack of proper training of magistrates and police forces on questions of online harassment, especially when aimed at women¹³. There is also a structural lack of procedures against abusive law enforcement agents – a situation linked to the lack of evidence, the tendency for the Inspection générale de la police nationale (IGPN, the police internal affairs division)

⁶ Audrey Kucinskas, Mélenchon et les journalistes: le bruit et la fureur, *L’Express*, 22 October 2018, https://www.lexpress.fr/actualite/medias/melenchon-et-les-journalistes-le-bruit-et-la-fureur_2043648.html

⁷ Personal interview with Pauline Adès-Mével (RSF), 19 November 2019. In some cases, political parties refuse accreditation to media they deem hostile (La Rédaction de Mediapart, “Le Rassemblement national censure une nouvelle fois la presse”, 8 April 2019, <https://blogs.mediapart.fr/la-redaction-de-mediapart/blog/080419/le-rassemblement-national-censure-une-nouvelle-fois-la-presse>)

⁸ The link is not for the moment established by academic research, though it is plausible, among multiple other factors.

⁹ Aude Carasco, “Baromètre médias : pourquoi 4 Français sur 10 boudent l’information”, *La Croix*, 15 January 2020, <https://www.la-croix.com/Economie/Medias/Barometre-medias-pourquoi-4-Francais-10-boudent-linformation-2020-01-15-1201072072>

¹⁰ Reuters Institute Digital News Report (2020)

¹¹ Since the implementation of the online CoE Platform for the protection of journalists (2020b), there have been six alerts concerning France, which have not been addressed, according to Emmanuel Poupard (interview, 30 November 2020)

¹² Julie Hainaut, the female “*pigiste*” who has been extremely violently harassed online by neo-Nazis for a paper on a far-right-wing bar in Lyon she wrote in 2017, filed 15 complaints, many were dismissed by the police, and only one of her cyberbullies was condemned in 2019, over two years after the beginning of her ordeal. His appeal is ongoing – see International Federation of Journalists (2019).

¹³ Personal interview with Mathilde Saliou (Prenons la Une), 20 November 2020

to overlook complaints¹⁴. This made the aforementioned art. 24 of the law on global security all the more controversial¹⁵.

Other structural causes explain this situation. For instance, the casualisation of their working conditions has pushed many young reporters (especially photo and video reporters) to dive into the Yellow-vest demonstrations to fetch good images without proper knowledge and training – which includes properly deciphering police warnings. With more training, some would have avoided being caught in the turmoil¹⁶. The fact that they are freelance, and do not have the support of an entire newsroom, makes their situation in case of legal issues particularly difficult.

Protection of whistle-blowers

France has improved its legal framework for the protection of whistle-blowers in the past 13 years. Its labour code provides some protection measures for employees who report health or safety issues or instances of sexual harassment (article L-1152). The 13 November 2007 law no. 2007-1598 on the fight against corruption sets out broad employment protections for whistle-blowers including direct or indirect disciplinary action, dismissal or discrimination, particularly with regard to remuneration, training, classification and reclassification, assignment, qualification, professional promotion, transfer or contract renewal, as well as exclusion from recruitment or access to internships or training.

The 9 December 2016 “Sapin 2” law (article 6-15) increased transparency and enhanced anti-corruption mechanisms, guaranteeing “penal irresponsibility” and confidentiality for whistle-blowers. The law is saluted by many in the profession as a milestone – far from Transparency International’s 2013 very negative assessment.

Since 2016, whistle-blowers (among others) can seize the Defender of Rights (DoD), an independent institution that can resort to judicial solutions to ensure their rights are defended. The DoD can investigate, propose a negotiated settlement, make recommendations, law reform proposals, observations in court, request disciplinary action, etc. The Commission Nationale de l’Informatique et des Libertés (CNIL) issued guidelines on the implementation of whistleblowing in the workplace, which include a reference to the need to have clear and complete information communicated to potential users. The 20 June 2018 law (no. 2018-493) relative to personal data protection amended previous laws and integrated France in the European legal framework (the GDPR). Journalists and their sources are protected from illegal monitoring by law enforcement authorities (article 5).

However, problems remain. For instance, the 2018 law on trade secret protection offers new obstacles to journalistic investigation. The French National Consultative Commission on Human Rights has also called for the full implementation of the October 2019 European directive in France and criticised the lack of protection for whistle-blowers – issues it had already raised at the moment of the vote of the Sapin 2 law.

Beyond the financial and legal help they get from newsrooms they work with and the positive image a growing number of media outlets offer of their function, there are associations that support whistle-blowers and promote their role in France. The French branch of Transparency International co-founded

¹⁴ Nicolas Chapuis, “L’IGPN, une institution à réformer”, *LeMonde*, 10 July 2020, https://www.lemonde.fr/societe/article/2020/07/10/l-igpn-une-institution-a-reformer_6045830_3224.html; Amnesty International, “Violences policières et impunité en France : nous alertons les autorités depuis plus de 10 ans”, 15 January 2020, <https://www.amnesty.fr/actualites/violences-policieres-et-impunite-en-france>

¹⁵ Amnesty International, “Loi sur la ‘sécurité globale’ : une proposition dangereuse pour les libertés fondamentales”, 10 November 2020, <https://www.amnesty.fr/presse/une-proposition-de-loi-dangereuse-pour-les-libertes-fondamentales>. This article will most probably be re-written by the Senate, following contestation and the revelation of new cases of police violence caught on camera.

¹⁶ Personal interview with Pauline Adès-Mével (RSF), 19 November 2019.

the Maison des lanceurs d'alerte (MLA) which offers guidance, support, legal advice, guides for whistle-blowers, etc. #OnNeSeTairaPas is another important network of SNJ unionists, bloggers, whistle-blowers, academics, lawyers, etc. It informs, collects testimonies, produces documentation on SLAPP procedures in France, presents proposals to change the law to better protect people targeted by “gag lawsuits”, mobilises in case of such abusive legal procedures.

The MLA considers that the multiplication of SLAPP procedures against French journalists or media outlets calls for better protection of whistle-blowers, for example by instituting the possibility of asking that a judge can be seized in an emergency procedure, so that he consider the validity of a defamation lawsuit against a journalist or a media outlet, as is the case in Canada¹⁷. The precarious situation of freelance journalists is another issue here, as they cannot systematically rely on the solidarity of “their” media to defend themselves.

There have been several examples of pressure put on investigative journalists to reveal their sources, for example, during the Benalla affair. Following orders stemming from the Prime Minister’s cabinet, the Prosecutor of Paris tried to obtain, without any legal basis, recordings *Mediapart* had used for its investigation by raiding its office, which pushed many media to denounce a violation of source secrecy. In 2019, there were multiple instances of journalists being convoked by the General Directorate for Internal Security for “*compromising the secrecy of national defence*”, for example, when divulging information about arms sales to Saudi Arabia in its war in Yemen. A journalist of the *Libération* newsroom, Willy Le Devin, was audited as a suspect in November 2020 by the *Inspection générale de la police nationale* (IGPN, the police internal affairs division) for violating professional secrecy in his work on the assassination of Samuel Paty (the history teacher who was killed by a young radicalised Muslim for showing caricatures of Prophet Mohammad in class). This case was also denounced as another example of the State violating source protection. These pressures can be seen as the institutional version of SLAPP procedures.

Economic conditions

Legally, all journalists must be granted a fixed-term contract (4 July 1974 Cressard law, which extended to *pigistes* the benefits permanent journalists had thanks to the 1935 Brachard law), a right also asserted in art. L-7112-1 of the labour code. Non-permanent professional journalists – *pigistes* that are paid on the basis of their effective contributions – are supposed to benefit from a de facto contract: though they are paid in the function of what they have produced, they earn a salary (even if their papers aren’t published). As such, they benefit from all provisions defined in the journalists’ labour agreements, which were originally established in 1976 and have regularly been amended since, and include paid 13th month, paid leave (10%) and seniority bonuses.

However, the profession has undergone an “*extreme deterioration*” of its economic condition in the past few years, according to a March 2019 survey by the Société civile des auteurs multimedia (SCAM), which compared its results with those of the previous 2013 survey. In the survey, many journalists considered that their work was underestimated, reduced to formatted content to the detriment of fieldwork, investigation and original reporting. A majority expressed great concern about their remuneration – their first worry, before their public image, also recently degraded, both subjectively and “objectively”. Many recent media outlets – more frequently in the audio-visual sector, but also especially within online players – circumvent the law and the *pigiste* status by imposing various forms of economic and professional insecurity upon younger journalists¹⁸: temporary work, self-employment,

¹⁷ Personal interview with Jean-Baptiste Foegle (MLA), 2 February 2021

¹⁸ Charon (2020a); Force ouvrière (2015)

payment in author rights or fees, making them a much more flexible and exploitable workforce¹⁹. Some media empires have systematised such working conditions (for example, Reworld media, a giant in the magazine sector). Many *pigistes* are obliged to have multiple employers and diversify their activities – a trend that can threaten their status as press card-holding journalists²⁰. Structurally, employers often use various subterfuges to pay *pigistes* less, for example, by including the 13th month and paid leave in their monthly remuneration without announcing it²¹. Precarious workers rarely dare attack their “employers” in courts, though there have been many cases brought before judges²². The Covid-19 accentuated the crisis, leading to a fall in commissioned papers and reporting and massive lay-offs throughout the mediascape.

Best practices

Structural and systemic issues

The aforementioned challenges journalists face cannot be explained solely by individual factors: the rhetoric of a few politicians or political parties is not the sole, or even probably the major factor explaining the loss of trust in the media; fighting for equal representation of women in newsrooms is not the only way to improve their material conditions. The roots of these phenomena are multiple and systemic (socioeconomic, ideological, moral, educational, technological, generational, etc.), trends are both conjunctural and structural, and solutions thus cannot be based on single factors and causes. This makes the exercise of identifying discrete best practices and proposing reforms necessary, yet only partial ways of facing the stakes. We are proposing here examples and recommendations formulated by a variety of actors of the media field, based on their online documentation (press releases, reports, published research) and interviews with a series of representatives of different organisations (two professional unions, two civil society organisations, two journalists’ associations), and a pioneering media outlet (*Mediapart*), and our knowledge of the field. This is a diverse sample, yet still only a sample: a more comprehensive report would require other means.

Applying the law

The French legal and social system offers comprehensive answers to many questions mentioned in this report; European laws often also ensure additional protections or, at least, recommendations²³. Institutions, unions and professional organisations, associations all insist on the simple fact that the solution to many problems is the pure and simple application of the French (and, eventually, European) law. This is especially true for questions relating to freedom of expression and of information, protection of privacy (the journalists’, as well as the police officers’ rights), the fight against hate speech, and the economic and legal regulation of the profession. For instance, self-employed journalists cannot benefit from the following rights attached to the profession’s collective agreement²⁴: 13th month’s pay, seniority

¹⁹ SNJ, “Journalistes auto-entrepreneurs : c’est la mort de la profession !”, 2016, <https://www.snj.fr/article/non-%C3%A0-1%E2%80%99auto-entreprenariat-chez-les-journalistes-422988785>

²⁰ To have the press card, at least 50% of their revenues have to come from “*piges*”.

²¹ SNJ, “Pigiste, mode d’emploi”, 27 April 2017, <https://www.snj.fr/content/le-bulletin-de-salaire>

²² See also Joux (2019-20)

²³ On the question of the protection of journalists, see for example 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 actors, https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016806415d9.

²⁴ See the content of the labor agreement here: https://www.legifrance.gouv.fr/conv_coll/id/KALICONT000005635444/; a charter of good practices established by the association Profession : Pigistes here: <https://pigiste.org/lassociation/charte-des-bonnes-pratiques/>; data on *pigistes* compiled by the CFDT: <http://www.pigistes-cfdt.fr/?q=node/58>

benefits, conscience clause, retirement and unemployment benefits, vocational training, advance notice and severance pay, health insurance, sick and maternity leave, etc.

With each new challenge faced by French society, the media bubble and the political field's norms of communication bring about new calls for reforms, amendments to existing laws, and so forth. Though there are indeed new, imperious challenges with the progress of digitalisation, social networks, "alternative facts", or terrorism. In many cases – if not most – the laws already exist: the issue then is to make sure they are well applied and that financial and human resources are adequately allocated for their mechanisms to work. This means that, for example, media outlets that simply apply the law when employing and paying new journalists are examples of a good application of good laws, i.e., "good practices". We cannot offer in this report an overview of everything noteworthy in the French mediascape.

Socioeconomic and legal security

Recent Improvements in the status of pigistes

With the growing economic and professional constraints many have been facing recently, financial support of media, the application of the existing collective agreement and the improvement of journalists' social security rights are crucial. In October 2020, following a long-lasting struggle, *pigistes* were finally granted social security benefits, sickness and maternity leave, for which the unions had been fighting since 2016²⁵. This is an important step, especially for female journalists.

The existence of local press clubs and associations, online support groups is also essential for new entrants so that they do not remain isolated, learn about the practices and tools to defend their rights, develop their network.

Support funds during the Covid-19 crisis

The 16 April 2020 decree on emergency relief for part-time workers had a specific section (article 1, § 5) for *pigistes*, as well as photojournalists and press illustrators – a necessary measure to support a profession that was particularly affected by confinement measures²⁶. The government created an emergency fund for *pigistes* and non-permanently employed journalists, distributed via Audiens, the social welfare institution for the culture, media and communication sectors²⁷. The SCAM proposed such a fund for multimedia authors²⁸, and there are also solidarity funds for authors (and artists)²⁹ and self-employed workers, whatever the profession³⁰.

Related rights: securing revenues for journalists?

France was the first country to implement the 17 April 2019 EU Directive on Copyright and Related rights (no 2019/790), thus authorizing its press to negotiate with the GAFAs and others financial retribution of journalists for the use of their work (art. 15 of the Directive). In the early stages of the negotiations, Google refused to sign a deal with the press editors. The latter seized the French authority

²⁵ Until then, *pigistes* had to earn three times as much as permanent journalists to have access to such rights.

²⁶ Aude Dassonville, "Les journalistes pigistes paient le prix fort de la crise dans la presse", *Le Monde*, 5 June 2020, https://www.lemonde.fr/economie/article/2020/06/05/pigistes-dans-la-presse-precaires-et-pas-qu-un-peu_6041881_3234.html

²⁷ See <https://www.audiens.org/actu/covid-19-aide-exceptionnelle.html>

²⁸ See <https://www.scam.fr/detail/ArticleId/6490/La-Scam-renforce-son-fonds-de-solidarite>

²⁹ See <http://www.secu-artistes-auteurs.fr/covid-19>

³⁰ See <https://www.portail-autoentrepreneur.fr/actualites/aide-fonds-solidarite-1500-3500-euros-coronavirus>.

on free competition, which confirmed in April 2020 the necessity of negotiations. Google then referred its case to the Court of Appeals in Paris, which sided with the authority's position last October. Google finally accepted in November the principle of collective retribution for the indexation of journalistic content by its search engine, signing 3-year contracts with a certain number of daily newspapers (among which *Le Monde*, *Le Figaro*, *Libération*, *L'Obs*)³¹.

The journalistic field is divided on the question of related rights: while the "General information press alliance" (APIG)³², which represents the main daily newspapers, as well as the union of magazine publishers (SEPM)³³ saluted the agreement with Google, the SPIIL (the union of independent online news outlets), on the contrary, considers it to be a "*wrong solution to a real problem*", as it indeed individualizes retribution (against collective bargaining), will tend to replace public support (and thus offer a stable return to mainstream media)³⁴, will reinforce the dependence upon the platform, and will encourage a "race for clicks" and thus "attractive" news at the expense of in-depth reporting. The SPIIL calls for a "*democratic regulation*" of online news dissemination based on equality and independence³⁵.

The question of the recipients (which press: print, online?) and of the final destination of these funds (editors, journalists?) remains uncertain. The dependence upon Google, the fragmentation of negotiations and individualized agreements (at the European³⁶, the national and the branch levels), the exclusion of online press: these factors could have dire consequences on media pluralism.

Physical security

In the midst of the Yellow-vest movement, Reporters without Borders submitted in June 2019 ten proposals to the Minister of the Interior to overhaul "*police training and techniques for policing protests*" and improve relations between police and reporters, especially during demonstrations³⁷. In December 2019, following documentation of voluntary violence and targeting of journalists by police forces during several demonstrations, it lodged a complaint ("against a person unknown") with 13 journalists³⁸ and reiterated its proposals in June 2020, before meeting the government and obtaining satisfaction on a few points tackled in the recent "law on global security" (the recognition of journalists and the appointment of a "liaison officer" responsible for communicating with the press during demonstrations, training³⁹) – and thus distancing itself from some of the criticisms of many other organisations (and notably the main union SNJ).

³¹ "Droits voisins : accord entre Google et plusieurs médias français pour rémunérer les extraits d'articles dans le moteur de recherche", *Le Monde* & AFP, 19 November 2020, https://www.lemonde.fr/economie/article/2020/11/19/droits-voisins-accord-entre-google-et-plusieurs-medias-francais-pour-remunerer-les-extraits-d-articles-dans-le-moteur-de-recherche_6060380_3234.html

³² APIG, "L'Alliance de la presse se félicite des progrès enregistrés dans le dossier du droit voisin des éditeurs de presse", 8 October 2020, <https://www.alliancepresse.fr/actualite/lalliance-de-la-presse-se-felicite-des-progres-enregistres-dans-le-dossier-du-droit-voisin-des-editeurs-de-presse/>. See also Rebillard & Smyrnaioi (2021).

³³ SEPM, "Le SEPM se félicite de la décision de la Cour d'Appel qui confirme la décision de l'Autorité de la concurrence du 9 avril 2020 et prend acte des déclarations de Google", 9 October 2020, <http://www.lapressemagazine.fr/actualite/le-sepm-se-felicite-de-decision-de-cour-dappel-qui-confirme-decision-de-lautorite-de>

³⁴ See Rebillard (2020)

³⁵ SPIIL, "Les droits voisins sont une chimère : place à une régulation ambitieuse", 1 October 2019, <https://www.spiil.org/s/position/les-droits-voisins-sont-une-chim-re-place-une-r-gulation-ambitieuse-20Y2o00000g3SQEAY>

³⁶ See Joux (2020)

³⁷ RSF (2019)

³⁸ RSF, France: RSF and 13 Journalists File Complaint About French Police Violence, 20 December 2019, <https://rsf.org/en/news/france-rsf-and-13-journalists-file-complaint-about-french-police-violence>

³⁹ RSF, French Doctrine for Policing Demonstrations: RSF Asks Interior Minister for Guarantees, 23 September 2020 <https://rsf.org/en/news/french-doctrine-policing-demonstrations-rsf-asks-interior-minister-guarantees>

Online security

Newsrooms resort to internal or external⁴⁰ online community management squads in charge of dealing with these phenomena. The question of the recognition of their role within media outlets, their status, their rights, their professional integration, as well as their psychological well-being is a rising concern within some of those who employ them. *Mediapart*, for instance, does its best to integrate its internal community management team into the newsroom and to defend these professionals' status⁴¹.

Whistle-blowers

As mentioned earlier, several associations have created platforms and resources to support whistle-blowers, and more generally, the online security of journalists. The French branch of Transparency International⁴² co-founded the Maison des Lanceurs d'Alerte (MLA⁴³), which offers guidance, support, legal advice, guides for whistle-blowers. #OnNeSeTairaPas⁴⁴, a network of SNJ unionists, bloggers, whistle-blowers, academics, lawyers, etc., informs, collects testimonies, produces documentation on SLAPP procedures in France, presents proposals to change the law to better protect people targeted by such lawsuits, mobilizes in case of such abusive legal procedures. These initiatives are in line with recommendations expressed by the CoE's Commissioner for Human Rights, who denounced such lawsuits initiated by the Bolloré empire⁴⁵. Nothing2hide proposes knowledge, guidance, and tools concerning data collection and encryption for journalists, as well as digital literacy (aimed at the general public, the youth), misinformation, clickbait⁴⁶.

Women journalists in the newsrooms

Gender equality policies and practices

Similarly to the International Women's Media Foundation⁴⁷, feminist association Prenons la Une (PIU)⁴⁸ offers support to female journalists and knowledge on discrimination within the news and newsrooms. The Association of LGBTI journalists (AJL)⁴⁹ does the same in its specific domain.

Gender equity measures

To promote equality within the newsroom, *Mediapart* decided to index wages on seniority exclusively, a practice that, according to Stéphane Allières, has all but eliminated the gender pay gap⁵⁰. In October 2020, following the examples of *The New York Times* and *El Diario* (Spain), *Mediapart* was also the first journal in France to create a "gender editor" to ensure questions of gender inequality, violence against women and the recent feminist movements, but also to make sure gender relationships within the newsroom are safe for women. During daily morning conferences, a person is designated to

⁴⁰ The outsourcing of community management is in itself a factor of insecurity for these professionals (Smyrniotis & Marty, 2020).

⁴¹ Personal interview with Stéphane Allières (*Mediapart*), 18 November 2020

⁴² Transparency International (2018)

⁴³ See <https://mlalerte.org/>

⁴⁴ #OnNeSeTairaPas, "Qui sommes-nous?", <https://onnesetairapas.org/Qui-sommes-nous>

⁴⁵ CoE Platform (2020a)

⁴⁶ Nothing2Hide & Zeka (2020)

⁴⁷ International Women's Media Foundation, "Online Harassment", <https://www.iwmf.org/programs/online-harassment/>

⁴⁸ See <https://prenons-la-une.tumblr.com/>

⁴⁹ See <https://www.ajlgbt.info/>

⁵⁰ Personal interview with Stéphane Allières (*Mediapart*), 18 November 2020

count speaking time and turns, to monitor and compare the frequency with which men interrupt women and vice versa. After a short period of adaptation, it has become an important tool to ensure isegoria. The AFP has produced an internal survey to assess the level of imbalance in female representation in its news feeds, and improve equality⁵¹.

References

- Bresson, Vincent. 2021. Profession “Gender Editor”. *La Revue des médias*. Retrieved from <https://larevuedesmedias.ina.fr/gender-editor-femmes-representation-medias>.
- Charon, Jean-Marie. 2020a. Les résultats du baromètre social des Assises 2020. *Journalisme.com*. Retrieved from <https://www.journalisme.com/les-assisés-2020/les-resultats-du-barometre-social-des-assisés-2020/>.
- Charon, Jean-Marie. 2020b. Journalistes: pourquoi quittent-ils la profession?, *L’Observatoire des médias*. Retrieved from <https://www.observatoiredesmedias.com/2020/10/12/journalistes-pourquoi-quittent-ils-la-profession/>.
- Council of Europe Commissioner for Human Rights. 2019. *Memorandum on maintaining public order and freedom of assembly in the context of the “yellow vest” movement in France*. Retrieved from <https://rm.coe.int/commdh-2019-8-memorandum-france-en/1680932f57>.
- Council of Europe Platform to Promote the Protection of Journalism and the Safety of Journalists. 2020a. *Hands off Press Freedom: Attacks on Media in Europe Must Not Become a New Normal*. Annual Report. Retrieved from <https://www.coe.int/fr/web/media-freedom/annual-report-2020>.
- Council of Europe Platform to Promote the Protection of Journalism and the Safety of Journalists. 2020b. *Countries and Regions in Focus*. Retrieved from <https://www.coe.int/en/web/media-freedom/issues-and-countries-in-focus#anchorfrance>.
- Dupuy, Camille. 2016. *Journalistes, des salariés comme les autres?* Rennes, Presses universitaires de Rennes. Retrieved from <https://books.openedition.org/pur/73938>.
- ECPMF. 2020. *Why We Created the Press Freedom Police Codex – Editorial*. Retrieved from <https://policecodex.eu/why-we-created-the-press-freedom-police-codex-editorial/>.
- Force ouvrière / Christophe Gauthier, Antoine Rémond and Yvan Robin. 2015. *Conditions et formes d’emploi des journalistes et travailleurs de l’édition: quelle sécurisation?* Retrieved from http://www.ires.fr/etudes-recherches-ouvrages/etudes-des-organisations-syndicales/item/download/1698_b70fbe27891b45734784442eaf982de3.
- International Federation of Journalists. 2019a. *Global Charter of Ethics for Journalists*. Retrieved from <https://www.ifj.org/who/rules-and-policy/global-charter-of-ethics-for-journalists.html>.
- International Federation of Journalists. 2019b. *#DontTroll Testimonies: Julie Hainaut*. Retrieved from <https://www.ifj.org/media-centre/news/detail/category/campains/article/donttroll-testimonies-julie-hainaut-france.html>.
- International Federation of Journalists. 2020. *Campaign: End Impunity 2020*. Retrieved from <https://www.ifj.org/actions/ifj-campaigns/end-impunity-2020.html>.
- Joux, Alexandre. 2019-20. Droits voisins et rémunération des éditeurs: les rapports dupliés des plateformes et de la presse, *La Revue européenne des médias et du numérique*, n° 53. Retrieved from <https://la-rem.eu/2020/05/droits-voisins-et-remuneration-des-editeurs-les-rapports-dupliés-des-plateformes-et-de-la-presse/>.

⁵¹ See Bresson (2021).

- Joux, Alexandre. 2020. Presse et plateformes: il sera difficile de faire payer pour un droit voisin, *La Revue européenne des médias et du numérique*, n° 54bis-55. Retrieved from <https://lareu.eu/2020/11/presse-et-plateformes-il-sera-difficile-de-faire-payer-pour-un-droit-voisin/>.
- Nothing2Hide and Zeka. 2020. *Guide de protection numérique*. Retrieved from <http://nothing2hide.org/fr/guide-de-protection-numerique/>.
- Prenons la Une. 2019. *États généraux des femmes journalistes*. Cahier de doléances. Retrieved from <https://prenons-la-une.tumblr.com/>.
- Prenons la Une, NousToutes.org and Paye ton journal. 2019. *Entendu à la rédac*. Retrieved from <http://entendualaredac.fr/>.
- Profession: Pigiste. 2016. *Charte des bonnes pratiques à l'usage des rédacteurs et rédactrices en chef*. Retrieved from <https://pigiste.org/lassociation/charte-des-bonnes-pratiques/>.
- Rebillard, Franck. 2020. Funding Print and Online News in France: Developments and Challenges, in Ballarini L., ed., *The Independence of News Media*. Francophone Research on Media, Economics and Politics, Palgrave. Retrieved from https://link.springer.com/chapter/10.1007/978-3-030-34054-4_2.
- Rebillard, Franck and Nikos Smyrniotis. 2021. "En France comme en Australie, l'information à l'épreuve de la plateformesisation". *La Revue des médias*. Retrieved from <https://larevuedesmedias.ina.fr/france-australie-information-google-facebook-plateformisation>.
- Reporters Sans Frontières. 2019. *Note à l'attention de M. Christophe Castaner, ministre de l'Intérieur*. Retrieved from https://rsf.org/sites/default/files/preconisations_de_rsf.pdf.
- Reuters Institute for the Study of Journalism. 2020. *Reuters Institute Digital News Report*. Retrieved from https://reutersinstitute.politics.ox.ac.uk/sites/default/files/2020-06/DNR_2020_FINAL.pdf.
- Smyrniotis, Nikos and Emmanuel Marty. 2020. Occupation: "Net Cleaner". The Socio-economic Issues of Comment Moderation on French News Websites, in Loïc Ballarini, ed. *The Independence of News Media*. Francophone Research on Media, Economics and Politics, Palgrave. Retrieved from https://link.springer.com/chapter/10.1007/978-3-030-34054-4_6.
- Société civile des auteurs multimedia. 2019. *Journaliste: auteur ou fournisseur de contenus?* Retrieved from https://www.scam.fr/Portals/0/Contenus/documents/Dossiers/2019/Journaliste_livreBlanc.pdf?ver=2019-03-13-104405-040.
- Transparency International. 2018. *A Best Practice Guide for Whistleblowing Legislation*. Retrieved from <https://transparency-france.org/aider-victimes-de-corrupcion/lanceurs-dalerte/#.X7vxZi17RPs>.
- Voisard, Anne-Marie. 2016. Poursuites-bâillons: la liberté d'expression en procès, *Revue Projet*, n° 353. Retrieved from <https://www.cairn.info/revue-projet-2016-4-page-59.htm>.

Interviews

- Pauline Adès-Mével, Chief Editor of Reporters Sans Frontières (RSF) / Reporters without Borders, 19 November 2020.
- Stéphane Alliès, Editorial codirector of *Mediapart*'s newsroom, 18 November 2020.
- Jean-Christophe Boulanger, President of the Syndicat de la presse indépendante d'information en ligne (SPIIL), 9 November 2020.
- Jean-Baptiste Foegle, legal expert at the Maison des Lanceurs d'Alerte (MLA), 2 February 2021.
- Julie Lallouët-Geffroy, President of Profession: Pigiste, 30 November 2020.

Emmanuel Poupard, General Secretary of the Syndicat national des journalistes (SNJ),
30 November 2020.

Mathilde Saliou, General Secretary of Prenons la Une (PIU), 20 November 2020.

Safety of journalists in Germany

Bernd Holznagel and Jan Christopher Kalbhenn

The physical and digital safety of journalists is an important parameter to assess basic conditions for a plural media environment.¹ If one examines the situation in Germany based on the given categories, it becomes clear that there are problems in various areas. At the same time, however, ideas already exist that could help to tackle the identified issues.

Physical safety of journalists

The physical security of journalists is primarily threatened by physical attacks, which include a wide range of possible types of attacks.² According to this definition, the physical safety of journalists in Germany, violence against media representatives is on the rise. This is shown by various statistics and surveys as well as the recent reporting. In its 2020 *Nahaufnahme Deutschland* report, Reporters without borders (RSF) counted at least 13 violent attacks on journalists in 2019. The year before, 22 attacks were counted. However, almost half of these incidents were linked to one single event (Chemnitz protests).³ The comprehensive study *Hass und Angriffe auf Medienschaffende* is based on an anonymous survey among 322 media workers, in which almost 60% of the participating journalists state that they were attacked at least once during the last 12 months.⁴

In February 2020, the Federal Ministry of the Interior published figures on right-wing crimes against the media (including insult, coercion, damage to property, bodily injury). For 2018, 93 criminal and violent crimes were registered; for 2019, already 104 cases.⁵ In the recent past, such incidents have increasingly occurred during corona demonstrations. Germany's public radio *Deutschlandradio* reported lately that on a demonstration against the Covid-19 measures in Leipzig, journalists "were attacked partly substantial physically". At least 38 media persons were prevented from doing their work, some of them by the police.⁶ Most recently, in Minden, the police seized a hanged mannequin with the inscription: "Covid-Press". The State Security investigates for insulting and sedition.⁷

On 24 November 2020, the German Press Council called on the interior ministers to update the existing 1993 principles of conduct for the press, radio and police.⁸ The aim of the initiative is to ensure that journalists are better protected during demonstrations and major events, and in return, journalists should undertake not to obstruct the security forces. The following is proposed: improved security concepts, greater awareness of the constitutional mandate of the media, as a topic in the education and

¹ Brogi et al., *Mediapluralismmonitor*, 24

² https://ec.europa.eu/info/sites/info/files/ad-hoc-literature-review-analysis-key-elements-slapp_en.pdf, 25

³ Reporter ohne Grenzen, *Rangliste der Pressefreiheit*, 3

⁴ Papendick et al., *Hass und Angriffe auf Medienschaffende*, 2

⁵ Hoffmann/Betche, *Das Feindbild Journalist: Bedrohung als Normalzustand*, 31

⁶ DJU kritisiert Angriffe auf Journalisten in Leipzig, *Deutschlandfunk*, 8 November 2020, https://www.deutschlandfunk.de/querdenken-demo-dju-kritisiert-angriffe-auf-journalisten-in.2932.de.html?drn:news_id=1192288

⁷ Staatsschutz ermittelt wegen erhangter Puppe auf Brucke, *Der Spiegel*, 26 October 2020, <https://www.spiegel.de/panorama/minden-in-nordrhein-westfalen-staatsschutz-ermittelt-wegen-erhaenger-schaufensterpuppe-auf-bruecke-a-29f81fbd-45ba-47ac-af3d-2eef83406aff>.

⁸ <https://www.presserat.de/presse-nachrichten-details/gemeinsame-verhaltensregeln-f%C3%BCr-medien-und-polizei.html>

training of police officers, to communicate reports on police tactical measures with the responsible police leadership, and to improve communication between security forces and media representatives.

Online safety of journalists

The extent of hate speech on the internet against journalists is still scarcely researched.⁹ In its 2020 *Nahaufnahme Deutschland* report, RSF balances “a high volume” of online intimidation and abuse continued throughout 2019.¹⁰ Within the study *Hass und Angriffe auf Medienschaffende*, the majority of the journalists claimed to have been attacked online via Social Media (60%), via Email (51%) or comments on the website (24%) against in-person attacks (30%).¹¹

Women journalists

Threats are increasingly directed against women online.¹² There are no statements relating to Germany on the proportion of female journalists among the hate speech victims. The reasoning of the NetzDG amendment states: “Prominent cases of female politicians, journalists or net activists clearly show that gender-based degradations and threats are of particular importance.”¹³ At least two cases have become public, which can be assigned to the topic #metoo: A former *Deutsche Welle* presenter, who had been working for the German foreign broadcaster since the summer of 2016, is alleged to have sexually harassed several women and raped one. In 2016, he was said to have assaulted an Egyptian net activist. Also, in 2016, the presenter is said to have raped a freelance employee of Deutsche Welle, of which he was the supervisor. The accused denied any allegations, but nevertheless, he was dismissed, and the Berlin public prosecutor’s office is said to have initiated mediation.¹⁴ At the end of April, *Westdeutscher Rundfunk* (WDR, public broadcast) terminated the employment contract of its long-time film director and dismissed him without notice shortly afterwards. The press release issued by WDR on the subject stated that more than ten women had reported sexual harassment and inappropriate behaviour by Henke to WDR. The latter still denies the accusations today. The dismissal was withdrawn on the part of the WDR because an out-of-court settlement had been reached, according to the WDR. In addition, six other WDR employees are accused of sexual harassment.¹⁵

Threats by political actors

There are no direct threats by politicians against the media. The following two cases are worth reporting in this section. In the column “All cops are unable to work” published in the *TAZ* (private newspaper) in June, author Hengameh Yaghoobifarah writes about a possible abolition of the police and comes to the conclusion that a suitable place for former police officers would be the “garbage dump”. The text provoked strong reactions, and the Federal Interior Minister Horst Seehofer threatened to file a criminal

⁹ Hoffmann/Betche, *Das Feindbild Journalist: Bedrohung als Normalzustand*, 25

¹⁰ Reporter ohne Grenzen, *Rangliste der Pressefreiheit*, 6

¹¹ Papendick et al., *Hass und Angriffe auf Medienschaffende*, 12

¹² Hoffmann/Betche, *Das Feindbild Journalist: Bedrohung als Normalzustand*, 25; Bayer/Kalbhenn, *ZUM* 2021, 324

¹³ Governments Draft of NetzDG Amendment 47

¹⁴ Struktureller Machtmissbrauch, *Deutschlandfunk*, 1 August 2019, https://www.deutschlandfunk.de/ermittlungen-gegen-moderator-der-deutschen-welle.2907.de.html?dram:article_id=455280; Vorwürfe gegen Moderator, *Süddeutsche Zeitung*, 1 August 2019, <https://www.sueddeutsche.de/medien/deutsche-welle-moderator-metoo-1.4549719>

¹⁵ WDR - Sender und Gebhard Henke einigen sich nach Belästigungsvorwürfen, *Zeit Online*, 16 July 2018, <https://www.zeit.de/arbeit/2018-07/wdr-gebhard-henke-kuendigung-rueckzug-sexuelle-belaestigung>; Sechs Frauen erheben Vorwürfe gegen WDR-Mann Henke, *Frankfurter Allgemeine Zeitung*, 4 May 2018, <https://www.faz.net/aktuell/feuilleton/medien/sechs-frauen-werfen-wdr-chef-henke-belaestigung-vor-15573906.html>

complaint, which he then restrained from. The Press Council labelled the text as satire and as being covered by the freedom of opinion.¹⁶

Implications for trust in news

Overall, the credibility of the media in Germany has reached a new record level compared to the previous studies from 2015, 2016, 2018 and 2019: 67 per cent of the German population consider the information in German media as credible. This marks an increase of six percentage points compared to last year's study. Compared to the start of the study series in 2015, the figure has even risen by 15 percentage points.¹⁷ But there are also empirical studies that point in a different direction.¹⁸ According to the Digital News Report 2020 (Germany), 45 per cent of those surveyed trust the news in Germany. That is two percentage points less than last year. Consumption habits are constantly changing. Significantly, at least weekly use of moving images and audio on the Internet significantly rose to 69 per cent and 61 per cent, respectively.¹⁹ Especially, moving images are one of the most dynamic parts of the Internet. Eighty-three per cent of the population aged between 14 and 29 uses online videos at least occasionally.²⁰

Economic conditions

The working conditions for journalists are not generally disputed in Germany. The legal standards are rather high, especially in the public service broadcasting (PSB) sector, where the unions are strong, and collective agreements are in place. Nevertheless, of course, the economic trends in this field put jobs at risk, and the PSB sector is not exempt from that trend. There are no general social security schemes for journalists, but journalists are qualified for unemployment benefits. It also applies to freelancers, but it can be said that they are the weakest part of the chain, which is shown by the effects of the Covid-19 pandemic.²¹ Several support schemes for freelancers were initiated.²² The effect of Covid-19 on the media encouraged the state to initiate direct subsidies for the press for the first time, with the focus on digitization projects.²³

¹⁶ Presserat weist Beschwerden zurück, *Tagesschau.de*, 8 September 2020, <https://www.tagesschau.de/inland/taz-kolumne-polizei-101.html>

¹⁷ Mehr Menschen halten Medien in Deutschland für glaubwürdig, *WDR*, 12 October 2020, <https://www1.wdr.de/unternehmen/der-wdr/unternehmen/studie-deutsche-medien-glaubwuerdig-106.html>; for detailed numbers see WDR/infratest dimap, *Glaubwürdigkeit der Medien 2020*

¹⁸ Reuters Institute Digital News Report 2020, Germany, 29

¹⁹ *Beisch/Schäfer*, *Internetnutzung mit großer Dynamik: Medien, Kommunikation, Social Media, Media Perspektiven 2020*, 462

²⁰ *Beisch/Schäfer*, *Internetnutzung mit großer Dynamik: Medien, Kommunikation, Social Media, Media Perspektiven 2020*, 469

²¹ Ein finanzielles Desaster, *journalist*, 2 July 2020, <https://www.journalist.de/startseite/detail/article/ein-finanzielles-desaster>

²² Corona: Zuschüsse und Kreditprogramme für Freie, *Deutscher Journalisten-Verband*, <https://www.djv.de/startseite/info/themen-wissen/gesundheit/corona-zuschuesse-und-kreditprogramme-fuer-freie>.

²³ Deutschland steigt in die direkte Presseförderung ein, *Deutschlandfunk*, 29 October 2020, https://www.deutschlandfunk.de/millionenhilfe-fuer-verlage-deutschland-steigt-in-die.2907.de.html?dram:article_id=486614

Best Practices

Newsrooms

- Physical Safety of journalists via risk assessment and training

Deutsche Welle has a four-member Travel Security department.²⁴ The goal of this team is to make DW travel “safely possible”. In concrete terms, this means advising all employees who travel to high-risk regions. If necessary, the team prepares a risk analysis, including security planning. This determines how the travellers should behave and which protective measures are recommended. If necessary, the reporters are also equipped with communication technology, ballistic protection (vests, helmets, and glasses) and accompanied by a member of the security team to take over the security logistics directly on site. In the past, there have been such assignments as High-Risk Advisor in Nigeria, South Sudan, Lebanon. The team is also increasingly providing advice on operations during demonstrations. In case of emergencies, the team is available 24/7. Not all media houses have such departments, usually, an editor has this as a special task “on the side”.

- Collective agreement covering harassment and improper conduct

In Germany, some collective agreements for protection against cross-border conduct and against sexual harassment are in force, which are analysed in a study.²⁵ Especially in the media industry, it is worth taking a look at two service agreements of *Deutsche Welle*, which must be seen as a reaction to a #metoo case there mentioned above.

Deutsche Welle, Germany’s public foreign broadcaster, has reacted to the #metoo case in its company. Two service agreements are now in force. One of them relates to comprehensive protection against transgressive conduct - the second deals with sexual harassment at the workplace. The first is intended to prevent and prosecute or clarify the number of cases of transgressive behaviour in the workplace. The aim of the service agreement is to prevent transgressive behaviour from having a negative impact on the health status, the working atmosphere or the quality of the work results. Trust, tolerance, respect and open communication should be strengthened. Finally, the comprehensive, communicative inclusion of the entire personnel work environment should enable a “fast, fair and comprehensible” conflict resolution. Violations of the service agreement are to be punished and prevented by appropriate measures. Sexual harassment is also to be traced and avoided with the help of the service agreement. According to the agreement, this is accompanied by the creation of a corresponding awareness of the issue.

The service agreement on protection against transgressive behaviour applies to all employees of Deutsche Welle as well as to interns. Freelancers should also be subject to the protection of the service agreement. Any actions of third parties shall be prevented and punished within the scope of legal possibilities. The service agreement on dealing with *sexual harassment* in the workplace applies to employees (including those of the subsidiaries), persons in the application process and external persons, i.e., contractual partners or visitors.

Definition of cross-border conduct: According to Section 2 no. 1, direct and indirect impairments are covered by transgressive conduct. Direct treatment is the “less favourable treatment” of a person “on the grounds of ethnic or social origin, gender, appearance, religion or belief, disability, age or sexual identity”. Discrimination “on the basis of apparently neutral rules, criteria or procedures” is covered by the concept of indirect discrimination. Harassment, i.e., “undesirable behaviour towards other persons” or “an adverse effect on other persons”, which is perceived by the victim as impairing or harmful, also constitutes transgressive behaviour. So-called mobbing is covered as well, which is characterized by

²⁴ Information provided by Gunnar Rechenburg, Head of Travel Security of Deutsche Welle (DW)

²⁵ *Ullenboom*, Toleranz, Respekt und Kollegialität, 36

actions that “due to their systematic nature and purpose” aim to violate the dignity of a person and are accompanied by intimidation and insults. Further mentioned is the abuse of power, in which the person who is in a “stronger” position within a relationship exploits a dependent person in a dignity-injuring way. Other discriminatory behaviour includes other “humiliating verbal or written statements” and “direct actions”, which lead to exclusion, degradation or discrimination or violation of the dignity or personal rights of other persons. According to the service agreement, *sexual harassment* includes undesired, sexually determined behaviour. This includes corresponding actions, requests, touching, comments as well as showing or attaching pornographic images.

While managers are responsible for ensuring a working atmosphere in accordance with the two service agreements and protecting their employees from the aforementioned harassment, and for reviewing and punishing any violations, the responsibility of employees is to protect the personal rights and dignity of their co-workers. This includes both the omission of their own offensive behaviour as well as active protection through the support of the persons concerned and, with regard to possible *sexual harassment*, mediating and conflict-resolving assistance. The persons concerned should be encouraged to name transgressive behaviour, to document it to the perpetrator and to consult the contact points mentioned.

Those affected can first contact their superior for advice, if necessary, with the involvement of the HR department, and in the case of persistent behaviour, certain DW contact points. In the event of possible sexual harassment, it is also possible to involve external contacts. If the complaint is made to the personnel/holiday representative, this will be forwarded to the head of the conflict resolution team if necessary.

The latter is not a point of contact and particularly deals with the examination of “escalated complaints cases” and the examination of fundamentally important individual cases. Within a “team of two”, the facts of the case and the complaint are then examined.

Silence is to be maintained throughout the course of the complaint. The data of the parties involved in the conflict shall be treated confidentially and, in accordance with the procedure, shall either be included in the personnel file or destroyed 12 months after the last interview. In the appropriate training courses, especially managers, but also employees shall be sensitized and trained for the topic, respectively.

Government’s regulation (NetzDG)

Most attacks on journalists happen online via Social Media (60%, see above). In the field of hate speech online, Germany was the first country adopting a law dedicated to this problem. Since 2017, the German NetzDG is in force. The aim of the law is to pacify the public communication space on the Internet. The law, according to its reasoning, is intended to combat hate speech and disinformation online. De facto, it is mainly about offences of honour and, thus, about the problem of hate speech.²⁶

The press initially viewed the NetzDG in an extremely critical way. The central accusation was the danger of overblocking, and a resulting restriction of freedom of opinion.²⁷ The evaluation report states: “The focus of media reporting increasingly shifted away from fundamental criticism of the NetzDG to the relevance of prosecuting criminal content on the Internet. In the course of this, the previous working methods of the criminal prosecution authorities were increasingly and more intensively addressed, whereby the activities of the focal public prosecution offices and their relevance were positively

²⁶ Holznapel, MMR 2018, 18

²⁷ Eifert et al., Evaluation des NetzDG, 17

emphasized. The effectiveness of criminal prosecution was also called for, especially through improved rights to information and the elimination of personnel bottlenecks.”²⁸

NetzDG: Although online platforms must remove illegal content in accordance with general liability rules, a 2016 study showed that major communication platforms only fulfilled this obligation to a limited extent. This is where the *NetzDG* comes in by imposing certain compliance regulations on social networks. First, a catalogue of offences is used to determine which content falls under the scope of the *NetzDG*. These are offences that are directed against public debate or the honour of the individual. For such content, social networks must have a legally prescribed procedure in place. Obviously illegal content must be deleted within 24 hours; other illegal content must be deleted after seven days. Furthermore, a simple reporting procedure must be made available to users to report content for review. The law stipulates that within this review procedure, the parties involved must be informed, and decisions must be justified. Social networks, for example, must also regularly inform their staff. Another important element of the law marks the transparency reports, which must be published by social networks every six months. In these reports, the obliged networks must provide information about the fulfilment of their obligations under the law and list, for example, the number of messages and deletions. Another important element of law enforcement is the obligation to appoint an authorized national recipient.²⁹ Parts of the *NetzDG* concept are now reflected in the draft Digital Services Act.³⁰

The law does not apply to journalistic editorial content, such as a newspaper’s Facebook page.³¹ However, the law applies to user contributions, such as comments, which account for a large proportion of attacks on journalists.

While the evaluation of the law was positive and the law was certified as having a positive effect,³² it is also clear that it is impossible to deal with the problem of hate speech and safety online without the platforms’ contribution. It has been shown that Facebook, in particular, deletes content according to its own community standards to a significant extent and that deletions according to *NetzDG* are of little consequence. Another phenomenon is that the so-called automation rates of social networks now reach values between 94 and 99%. The number indicates the percentage of deletions from automatic reporting systems for the enforcement of Community standards that have been removed before the first call and the percentage of videos that some users have already watched.

In the reasoning of the *government’s draft amendment*,³³ it says: “From the feedback, it is known that hate speech is often directed against certain groups, especially women and minorities are particularly affected by hate speech. For example, women are exposed to sexist vulgarity and threats of rape. This is a particularly serious violation of personal rights and, as violence is carried out by digital means, often has massive physical and psychological effects. Prominent cases of female politicians, journalists or net activists clearly show that gender-based degradations and threats are of particular importance. Minorities can also be particularly affected or the target of hate speech. Such targeting of punishable hate speech also reinforces the intimidation effects that potentially accompany it, which in turn particularly endangers peaceful coexistence in a free, open and democratic society.”³⁴

Therefore, the *NetzDG* amendment aims for more transparency to generate more data on the issues at stake: “Particularly sound and in-depth findings on illegal content, on the type of content disseminated, but also on the perpetrator structures can be obtained above all from independent scientific

²⁸ Eifert et al., Evaluation des *NetzDG*, 19

²⁹ Holznagel, ZUM 2017, 615

³⁰ Kalbhenn/Hemmert-Halswick, ZUM 2021, 184 ff

³¹ Kalbhenn/Hemmert-Halswick, *Netzwerkdurchsetzungsgesetz*, 10

³² Eifert et al., Evaluation des *NetzDG*

³³ Kalbhenn/Hemmert-Halswick, MMR 2020, 518 ff

³⁴ Governments Draft of *NetzDG* Amendment, 47

studies. Therefore, the promotion of corresponding projects is an important concern. It also depends on whether the providers grant circles of science and research access to corresponding in-depth knowledge on their platforms. According to Section 2 (2) sentence 2 no. 12 of NetzDG, the providers should therefore report in future whether and to what extent science and research have access to knowledge for the purpose of anonymized evaluation of the specific effects of illegal content”.³⁵

The NetzDG amendment intends to oblige social networks to register each and every content which is reported as unlawful to the Federal Criminal Police Office to enable criminal procedure. Initial estimates assume that there will be 100,000 reports per day to the Federal Criminal Police Office.³⁶ It must also be pointed out that parts of the law are still being examined for their constitutionality and conformity with European law before it can come into force.

Policies to fight online harassment and awareness campaigns

- Cooperation & Initiatives

After attacks on journalists during demonstrations in Saxony some time ago, the state organisation of the German Journalists' Association and the Saxony police exchanged information in order to develop police training in Saxony.³⁷ Since November 2019, joint training courses have been held at different locations. The training consists of a one-day program, which contains three courses: Topic-related internal police training, Basic legal knowledge about freedom of the press and freedom of opinion, and Media representatives provide insight into their work.

The first courses were evaluated positively.³⁸ The project should then serve as a model for further cooperation between the police and journalists' associations.

- Initiatives between Media Authorities and Law Enforcement

To combat hate crime on the Internet, the initiative *Justice and Media - consistently against hate* has been in existence since October 2019. It is a cooperation between the Bavarian Ministry of Justice and the Bavarian regulatory authority for new media (BLM).³⁹ The aim is to provide media editorial offices with a simple and efficient procedure for criminal charges. The goal is to be able to quickly prosecute authors of hate speech. Editorial offices should not only be able to delete hate comments but also to easily report them to the judiciary and request that they are reviewed. The website states: “Via an online form, hate postings can be sent directly to the Bavarian justice system. Insults, threats or even inflammatory comments are not a trivial offence. This means report first, then delete. What can be reported and how the procedure works are explained to the editors through training... Both public and private media companies in Bavaria can participate.”⁴⁰

A similar initiative exists in North Rhine-Westphalia. There, the State Media Authority NRW cooperates with the Central and Contact Office Cybercrime North Rhine-Westphalia (ZAC NRW), set up at the Public Prosecutor's Office Cologne, the State Office of Criminal Investigation NRW and the media companies *Mediengruppe RTL Deutschland*, *Rheinische Post* and *Westdeutscher Rundfunk*. The initiative “*Tracking instead of just deleting*” was launched in 2017. The homepage states: “The aim is

³⁵ Governments Draft of NetzDG Amendment, 47

³⁶ Mit künstlicher Intelligenz gegen den Hass, *Süddeutsche Zeitung*, 14 November 2020, <https://www.sueddeutsche.de/digital/kuenstliche-intelligenz-hatespeech-voksverhetzung-justiz-1.5114796>

³⁷ Hoffmann/Betche, Das Feindbild Journalist: Bedrohung als Normalzustand, 28

³⁸ Hoffmann/Betche, Das Feindbild Journalist: Bedrohung als Normalzustand, 29

³⁹ Justiz und Medien – konsequent gegen Hass, *Bayerisches Staatsministerium der Justiz/Bayerische Landeszentrale für neue Medien*, 14 October 2020, <https://www.blm.de/konsequent-gegen-hass.cfm>

⁴⁰ <https://www.blm.de/konsequent-gegen-hass.cfm>

to facilitate law enforcement on the internet and thus send a clear sign against lawlessness and ruthlessness on the net”.⁴¹

Dissemination of information material and NGOs

There are also many other initiatives. The State Media Authority of North Rhine-Westphalia also issued a guide for editorial offices on how to deal with hate speech online.⁴² The brochure *Learning to moderate hate comments* is intended as a training concept for the editorial handling of hate speech and should help journalists in dealing with hate speech.⁴³

One example for NGOs dealing with hate speech is HateAid (sic). The organisation is not specialised in hate speech in the media environment. However, it is very active in this area and has recently published an app in cooperation with the Hessian Ministry of Justice, which “reports illegal content and allows the person concerned to be contacted for advice”.⁴⁴

References

- Bayer, Judit and Jan Kalbhenn. 2020. *Legal review of the draft Federal Act on Measures to Protect Users on Communications Platforms (Kommunikationsplattformen-Gesetz – KoPI-G) by the Republic of Austria*, Commissioned by the Office of the OSCE Representative on Freedom of the Media, 15 October 2020. Retrieved from https://www.osce.org/files/f/documents/7/8/467292_1.pdf
- Beisch, Natalie, and Carmen Schäfer. 2020. Internetnutzung mit großer Dynamik: Medien, Kommunikation, Social Media, in: *Media Perspektiven 9/2020*, korrigierte Fassung vom 1.11.2020. Retrieved from https://www.ard-zdf-onlinestudie.de/files/2020/0920_Beisch_Schaefer.pdf
- Broggi, Elda, Roberta Carlini, Iva Nenadic, Pier Luigi Parcu, and Mario Viola da Azevedo Cunha. 2020. *Monitoring Media Pluralism in the Digital Era: Application of the Media Pluralism Monitor 2020 in the European Union, Albania & Turkey*. Florence, Italy. Retrieved from <https://cadmus.eui.eu/handle/1814/67828>
- Cornils, Matthias. 2020. *Designing platform governance: A normative perspective on needs, strategies, and tools to regulate intermediaries*. Berlin, Germany. Retrieved from <https://algorithmwatch.org/wp-content/uploads/2020/05/Governing-Platforms-legal-study-Cornils-May-2020-AlgorithmWatch.pdf>
- Eifert, Martin, Michael von Landenberg-Roberg, Sebastian Theß, and Nora Wienfort. 2020. *Evaluation des NetzDG*. Im Auftrag des BMJV. Germany. Retrieved from https://www.bmjv.de/SharedDocs/Downloads/DE/News/PM/090920_Juristisches_Gutachten_Netz.pdf?__blob=publicationFile&v=3
- Fielitz, Maik and Holger Marcks. 2020. *Digitaler Faschismus. Die sozialen Medien als Motor des Rechtsextremismus*. Berlin, Germany.
- Governments Draft of NetzDG amendment. Retrieved from https://www.bmjv.de/SharedDocs/Gesetzgebungsverfahren/Dokumente/RegE_Aenderung_NetzDG.pdf?__blob=publicationFile&v=2

⁴¹ Die Initiative „Verfolgen statt nur Löschen“, *Landesanstalt für Medien NRW*, <https://www.medienanstalt-nrw.de/themen/hass/verfolgen-statt-nur-loeschen-rechtsdurchsetzung-im-netz.html>

⁴² *Kramp/Weichert*, Hasskommentare im Netz.

⁴³ Landesanstalt für Medien NRW, Hasskommentare moderieren lernen.

⁴⁴ <https://hateaid.org/>

- Hoffmann, Martin and Pauline Betche. 2020. *Das Feindbild Journalist IV: Bedrohung als Normalzustand*. Eine 5-Jahres-Bilanz des Europäischen Zentrums für Presse- und Medienfreiheit. Leipzig, Germany. Retrieved from <https://www.ecpmf.eu/wp-content/uploads/2020/03/FeindbildPresse-IV.pdf>
- Holznagel, Bernd and Jan Kalbhenn. 2020. *Monitoring Media Pluralism in the Digital Era - Country Report: Germany*. Florence, Italy. Retrieved from https://cadmus.eui.eu/bitstream/handle/1814/67803/germany_results_mpm_2020_cmpf.pdf?sequence=1&isAllowed=y
- Kalbhenn, Jan and Maximilian Hemmert-Halswick. 2020. Der Referentenentwurf zum NetzDG – Vom Compliance Ansatz zu Designvorgaben, MMR 2020, 518-522.
- Kalbhenn, Jan and Maximilian Hemmert-Halswick. 2021. EU-weite Vorgaben für die Content-Moderation in sozialen Netzwerken, ZUM 2021, 184-194.
- Kalbhenn, Jan and Maximilian Hemmert-Halswick. 2021. Netzwerkdurchsetzungsgesetz, in Thomas Hoeren, Ulrich Sieber, Bernd Holznagel, Handbuch Multimedia Recht.
- Kalbhenn, Jan and Judit Bayer. 2021. Masse und Macht – Auf der Suche nach Regeln für digitale Kommunikationsplattformen, ZUM 2021, 323-329.
- Kaspar, Kai, Lars Gräßer and Aycha Riffi. 2017. Online Hate Speech – Perspektiven auf eine neue Form des Hasses. Retrieved from https://www.grimme-institut.de/fileadmin/Grimme_Nutzer_Dateien/Akademie/Dokumente/SR-DG-NRW_04-Online-Hate-Speech.pdf
- Kramp, Leif and Stephan Wichert. 2018. Hasskommentare im Netz. Steuerungsstrategien für Redaktionen. Düsseldorf, Germany. Retrieved from <https://www.medienanstalt-nrw.de/themen/hass/leitfaden-fuer-redaktionen-zum-umgang-mit-hassrede.html>
- Landesanstalt für Medien NRW. 2019. Hasskommentare moderieren lernen. Ein Schulungskonzept für die journalistische Fortbildung und Redaktionsinterne Workshops. Retrieved from <https://www.medienanstalt-nrw.de/themen/hass/hasskommentare-moderieren-lernen.html>
- Medienstaatsvertrag (MStV), 23 April 2020. Retrieved from <https://www.gesetze-bayern.de/Content/Document/MStV>
- Neue deutsche Medienmacher. 2019. Wetterfest durch den Sturm. Leitfaden für Medienschaffende zum Umgang mit Hass im Netz Retrieved from <https://www.neuemedienmacher.de/wp-content/uploads/2019/10/Leitfaden-gegen-Hassrede-2019.pdf>
- Papendick, Michael, Yann Rees, Franziska Wäschle and Andreas Zick. 2020. Hass und Angriffe auf Medienschaffende. Eine Studie zur Wahrnehmung von und Erfahrungen mit Angriffen auf Journalist*innen. Bielefeld, Germany. Retrieved from https://mediendienst-integration.de/fileadmin/Dateien/Studie_Hass_und_Angriffe_auf_Medienschaffende.pdf
- Reporter ohne Grenzen. 2020. Rangliste der Pressefreiheit 2020. Nahaufnahme Deutschland. Germany. Retrieved from https://www.reporter-ohne-grenzen.de/fileadmin/Redaktion/Downloads/Ranglisten/Rangliste_2020/Nahaufnahme_Deutschland_2020_neu.pdf
- Steinebach, Martin, Katarina Bader, Lars Rinsdorf, Nicole Krämer and Alexander Roßnagel. 2020. *Desinformationen aufdecken und bekämpfen*. Baden-Baden, Germany.
- Ullenboom, Detlef. 2012. Toleranz, Respekt und Kollegialität. Betriebs- und Dienstvereinbarungen. Frankfurt am Main, Germany. Retrieved from https://www.boeckler.de/pdf/p_mbf_bvd_toleranz_respekt_koll.pdf

Valenti, Jessica, Miski Noor, Nicola Sturgeon, Zoe Quinn, Imani Gandy, Diane Abbott, Laura Bates, and Ruth Davidson. 2018. *Toxic Twitter*. Retrieved from <https://www.amnesty.org/en/latest/research/2018/03/online-violence-against-women-chapter-1/>

WDR/infratest dimap. 2020. Glaubwürdigkeit der Medien 2020. Eine Studie im Auftrag des Westdeutschen Rundfunks. Retrieved from <https://www.ard.de/die-ard/Glaubwuerdigkeit-der-Medien-WDR-Studie-100.pdf>

Editors:

Mária Žuffová

Centre for Media Pluralism and Media Freedom

Robert Schuman Centre for Advanced Studies

Via Giovanni Boccaccio, 121

50133 Firenze

Italy

Email: maria.zuffova@eui.eu

Roberta Carlini

Centre for Media Pluralism and Media Freedom

Robert Schuman Centre for Advanced Studies

Via Giovanni Boccaccio, 121

50133 Firenze

Italy

Email: roberta.carlini@eui.eu



With the support of the
Erasmus+ Programme
of the European Union

The European Commission supports the EUI through the European Union budget. This publication reflects the views only of the author(s), and the Commission cannot be held responsible for any use which may be made of the information contained therein.